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Council Proceedings

Official Report

Bengal Legislative Council

Nineteenth Session, 1925

3rd, 4th, 8th to 11th December, 1925

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GOVERNMENT OF BENGAL.

GOVERNOR OF BENGAL.

His Excellency the Right Hon'ble Victor Alexander George Robert Bulwar Lytton, Earl of Lytton, P.C., G.C.S.I., G.C.I.E.

MEMBERS OF THE EXECUTIVE COUNCIL.

The Hon'ble Sir Abd-ur-Rahim, K.C.S.I., Vice-President, in charge of the following portfolios:—

1. Judicial.
2. Emigration.
3. Immigration.
4. Jurisdiction.
5. Haj Pilgrimage.
6. Legislative, including the Executive Administration of the Legislative Department and elections for Indian and Provincial Legislatures subject to rules framed under sections 64 (*1*) and 72 (*a*) of the Government of India Act.
7. Registration.
8. Education (other than European Education).

The Hon'ble Sir Hugh Stephenson, K.C.I.E., C.S.I., I.C.S., in charge of the following portfolios:—

1. Appointment.
2. Political, excluding Haj Pilgrimage.
3. Police.
4. Ecclesiastical.
5. Regulation of medical and other professional qualifications and standards; subject to legislation by the Indian Legislature.
6. Jails.
7. Agriculture and Industries (except Excise Branch).

The Hon'ble Mr. J. DONALD, C.S.I., C.I.E. I.C.S., in charge of the following portfolios:—

1. Finance.
2. Separate Revenue.
3. Commerce and Industrial subjects.
4. Marine.
5. European Education.
6. Public Works.
7. Agriculture and Industries (Excise Branch).

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia, in charge of the following portfolios:—

1. Land Revenue.
2. Land Acquisition.
3. Forests.
4. Irrigation.
5. Excluded areas.
6. Medical administration, including hospitals, dispensaries and asylums and provision for medical education.
7. Local Self-Government.

PRINCIPAL OFFICERS OF THE BENGAL LEGISLATIVE COUNCIL.

PRESIDENT.

The Hon'ble Kumar SHIB SHEKHARESWAR RAY.

DEPUTY PRESIDENT.

DR. ABDULLAH AL-MAMUN SUHRAWARDY.

Panel of Chairmen for the Nineteenth Session.

Babu JATINDRA NATH BASU.

Maulvi EKRAMUL HUQ.

MR. G. MORGAN.

Raja MANMATHA NATH RAY CHAUDHURI of Santosh.

Secretary to the Council—J. BARTLEY, I.C.S.

Assistant Secretaries to the Council—A. M. HUTCHISON and K. N. MAJUMDAR.

Registrar to the Council—J. W. MCKAY.

BENGAL LEGISLATIVE COUNCIL.

ALPHABETICAL LIST OF MEMBERS.

A

Abbot, Mr. E. G. (Indian Jute Mills Association.)
Addams-Williams, Mr. C., C.I.E. (Nominated Official.)
Addy, Babu Amulya Dhone. (Bengal National Chamber of Commerce.)
Ahamad, Maulvi Asimuddin. [Tippera (Muhammadan).]
Ahmed, Maulvi Najmuddin. [Hooghly *cum* Howrah Municipal (Muhammadan).]
Ahmed, Maulvi Tayebuddin. [Mymensingh East (Muhammadan).]
Ahmed, Maulvi Zannoor. [Burdwan Division South (Muhammadan).]
Ahsanullah, Mollah. [Rajshahi North (Muhammadan).]
Aley, Khan Bahadur S. Mahboob. [Calcutta North (Muhammadan).]
Ali, Maulvi Sayyed Sultan. [Khulna (Muhammadan).]
Ali, Mr. Altaf. [Mymensingh East (Muhammadan).]

B

Bagchi, Babu Romes Chandra. [Malda (Non-Muhammadan).]
Baksh, Maulvi Kader. [Dinajpur (Muhammadan).]
Band, Mr. R. N. (Indian Jute Mills Association.)
Banerjea, Dr. Pramathanath. [Calcutta East (Non-Muhammadan).]
Banerjee, Babu Satya Kishore. (Burdwan Landholders.)
Banerjee, Mr. A. C. [Calcutta South Central (Non-Muhammadan).]
Banerjee, Rai Bahadur Abinash Chandra. (Nominated Non-official.)
Barma, Rai Sahib Panchanan, M.B.E. [Rangpur (Non-Muhammadan).]
Barton, Mr. H. (Anglo-Indian.)
Basu, Babu Jatindra Nath. [Calcutta North (Non-Muhammadan).]
Basu, Babu Sarat Chandra. [Burdwan (Non-Muhammadan).]
Best, the Hon'ble S. J. (Indian Tea Association.)
Birley, Mr. L., C.I.E. (Nominated Official.)
Bose, Babu Bejoy Krishna. (Calcutta University.)
Browne, Mr. P. H., C.B.E. (Bengal Chamber of Commerce.)

C

Campbell, Mr. K. (Bengal Chamber of Commerce.)
Chakravarti, Mr. Byomkes. [24-Parganas Rural South (Non-Muhammadan).]
Chakravarti, Babu Jogindra Chandra. [Dinajpur (Non-Muhammadan).]
Chakravorty, Babu Sudarsan. [Rajshahi (Non-Muhammadan).]
Chartres, Mr. C. B. (Bengal Chamber of Commerce.)

Chatterjee, Babu Umesh Chandra. [Bankura East (Non-Muhammadan).]
Chaudhuri, Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur, C.I.E. [Dacca West Rural (Muhammadan).]
Chaudhuri, Rai Harendranath. [24-Parganas Rural North (Non-Muhammadan).]
Chaudhury, Maulvi Md. Nurul Huq. [Chittagong (Muhammadan).]
Chaudhury, Maulvi Saiyed Abdur Rob. [Faridpur South (Muhammadan).]
Chowdhury, Maulvi Fazlal Karim. [Bakarganj North (Muhammadan).]
Chunder, Mr. Nirmal Chandra. [Calcutta North Central (Non-Muhammadan).]
Cohen, Mr. D. J. (Nominated Non-official.)
Corcoran, Mr. B. J. [Dacca and Chittagong (European).]

D

Das, Babu Charu Chandra. (Nominated Non-official.)
Das, Dr. Mohini Mohan. [Faridpur South (Non-Muhammadan).]
Das Gupta, Dr. J. M. [Bogra *cum* Pabna (Non-Muhammadan).]
Datta, Babu Akhil Chandra. [Tippera (Non-Muhammadan).]
Daud, Mr. M. (Nominated Non-official.)
De, Mr. K. C., C.I.E. (Nominated Official.)
Dey, Babu Boroda Prosad. [Hooghly Municipal (Non-Muhammadan).]
Dey, Mr. G. G. (Nominated Official.)
Donald, the Hon'ble Mr. J., C.S.I., C.I.E. (Member, Executive Council.)
Doss, Rai Bahadur Pyari Lal, M.B.E. [Dacca City (Non-Muhammadan).]
Dutt, Mr. G. S. (Nominated Official.)

E

Eddis, Mr. B. E. G. (Bengal Chamber of Commerce.)

F

Faroqui, Khan Bahadur K. G. M. (Nominated Non-official.)
Forrester, Mr. J. Campbell. [Presidency and Burdwan (European).]

G

Gafur, Maulvi Abdul. [Pabna (Muhammadan).]
Ganguly, Babu Khagendra Nath. [Howrah Municipal (Non-Muhammadan).]
Ghuznavi, Hadji Mr. A. K. Abu Ahmed Khan. [Mymensingh West (Muhammadan).]
Goenka, Rai Bahadur Badridas. (Bengal Marwari Association.)
Goode, Mr. S. W. (Nominated Official.)
Guha, Mr. P. N. (Nominated Non-official.)

H

Haldar, Mr. S. N. [Calcutta South (Non-Muhammadan).]
Haq, Khan Bahadur Kazi Zahirul. [Dacca East Rural (Muhammadan).]
Haq, Shah Syed Emdadul. [Tippera (Muhammadan).]
Heard, Major-General Richard, C.I.E., M.D., K.H.S., I.M.S. (Nominated Official.)
Hopkyns, Mr. W. S., O.B.E. (Nominated Official.)
Hoque, Maulvi Sayedal. [Noakhali (Muhammadan).]
Hossain, Khan Bahadur Maulvi Musharruf. [Malda *cum* Jalpaiguri (Muhammadan).]
Hossain, Maulvi Wahed. [Barrackpore Municipal (Muhammadan).]
Huq, Maulvi A. K. Fazl-ul. [Bakarganj West (Muhammadan).]
Huq, Maulvi Ekramul. [Murshidabad (Muhammadan).]
Huq, Mr. Mahbubul. [24-Parganas Municipal (Muhammadan) Constituency.]

J

James, Mr. F. E., O.B.E. [Presidency and Burdwan (European).]
Jennaway, Mr. J. H. (Indian Mining Association.)
Joardar, Maulvi Aftab Hossain. [Nadia (Muhammadan).]

K

Khaitan, Babu Debi Prosad. (Nominated Non-official.)
Khan, Babu Debendra Lal. [Midnapore North (Non-Muhammadan).]
Khan, Maulvi Abdur Raschid. [Noakhali (Muhammadan).]
Khan, Maulvi Amanat. [Chittagong (Muhammadan).]
Khan, Maulvi Mahi Uddin. [Rangpur East (Muhammadan).]

L

Lal Mahammad, Haji. [Rajshahi South (Muhammadan).]
Law, Raja Reshee Case, C.I.E. (Bengal National Chamber of Commerce.)
Liddell, Mr. H. C. (Nominated Official.)
Lindsay, Mr. J. H., I.C.S. (Nominated Official.)

M

Muhammad, Maulvi Basar. [Rangpur West (Muhammadan).]
Maity, Babu Mahendra Nath. [Midnapore South (Non-Muhammadan).]
Masih, Mr. Syed M. [Faridpur North (Muhammadan).]
McAlpin, Mr. M. C., C.I.E. (Expert, nominated.)
Mitra, Babu Jogendra Nath. [Jessore South (Non-Muhammadan).]
Mitra, Babu Satyendra Chandra. [Noakhali (Non-Muhammadan).]

Mitter, Sir Provash Chunder, Kt., C.I.E. (Presidency Landholders.)
Moreno, Dr. H. W. B. (Anglo-Indian.)
Morgan, Mr. G. (Bengal Chamber of Commerce.)
Mukerjea, Babu Taraknath. [Hooghly Rural (Non-Muhammadan).]
Mukerji, Mr. S. C. (Nominated Non-official.)
Mumin, Khan Bahadur Md. Abdul. (Expert, nominated.)

N

Nandy, Maharaj Kumar Sris Chandra. [Murshidabad (Non-Muhammadan).]
Nasker, Babu Hem Chandra. [24-Parganas Rural Central (Non-Muhammadan).]
Nazimuddin, Khaje. [Bakarganj South (Muhammadan).]
Neogi, Babu Manmohon. [Mymensingh West (Non-Muhammadan).]

O

Oaten, Mr. E. F. (Nominated Official.)

P

Pahlowan, Maulvi Md. Abdul Jubbar. [Mymensingh West (Muhammadan).]
Parrott, Mr. P. (Bengal Chamber of Commerce.)

Q

Quader, Maulvi Abdul. [Jessore South (Muhammadan).]

R

Rahim, the Hon'ble Sir Abd-ur-, K.C.S.I. (Member, Executive Council.)
Rahman, Mr. A. F. (Dacca University.)
Raikat, Mr. Prasanna Deb. [Jalpaiguri (Non-Muhammadan).]
Ray, Babu Abanish Chandra. [Birbhum (Non-Muhammadan).]
Ray, Babu Anilbaran. [Bankura West (Non-Muhammadan).]
Ray, Babu Nagendra Narayan. [Rangpur (Non-Muhammadan).]
Ray, Babu Surendra Nath. [24-Parganas Municipal South (Non-Muhammadan).]
Ray, Dr. Kumud Sankar. [Faridpur North (Non-Muhammadan).]
*Ray, the Hon'ble Kumar Shib Shekhareswar. (Rajshahi Landholders.)
Ray, the Hon'ble Maharaja Bahadur Kshaunish Chandra of Nadia. (Member, Executive Council.)
Ray Chaudhuri, Babu Haripada. (Expert, nominated.)
Ray Chaudhuri, Mr. K. C. (Nominated Non-official.)
Ray Chaudhuri, Raja Manmatha Nath, of Santosh. (Dacca Landholders.)

* President of the Bengal Legislative Council.

Roy, Babu Manmatha Nath. [Howrah Rural (Non-Muhammadan).]
Roy, Babu Satcowripati. [Calcutta North-West (Non-Muhammadan).]
Roy, Dr. Bidhan Chandra. [24-Parganas Municipal North (Non-Muhammadan).]
Roy, Mr. D. N. [Jessore North (Non-Muhammadan).]
Roy, Mr. Kiran Sankar. [Dacca Rural (Non-Muhammadan).]
Roy, Mr. S. N., I.C.S. (Nominated Official.)
Roy, Mr. Tarit Bhusan. (Bengal Mahajan Sabha.)
Roy, Raja Maniloll Singh, C.I.E., of Chakdighi. [Burdwan (Non-Muhammadan).]
Roy Chaudhuri, Babu Sailaja Nath. [Khulna (Non-Muhammadan).]
Roy Choudhuri, Rai Bahadur Satyendra Nath. [Bakarganj South (Non-Muhammadan).]

S

Salam, Khan Bahadur Maulvi Abdus. [Jessore North (Muhammadan).]
Sarkar, Babu Hemanta Kumar. [Nadia (Non-Muhammadan).]
Sarkar, Maulvi Allah Buksh. [Dacca City (Muhammadan).]
Sarker, Babu Naliniranjan. [Mymensingh East (Non-Muhammadan).]
Sasmal, Mr. B. N. [Midnapore South (Non-Muhammadan).]
Sen, Mr. N. C. [Bakarganj North (Non-Muhammadan).]
Sen Gupta, Mr. J. M. [Chittagong (Non-Muhammadan).]
Singha, Mr. Arun Chandra. (Chittagong Landholders.)
Snaith, Mr. J. F. (Calcutta Trades.)
Stephenson, the Hon'ble Sir Hugh, K.C.I.E., C.S.I. (Member, Executive Council.)
*Suhrawardy, Dr. A. [24-Parganas Rural (Muhammadan).]
Suhrawardy, Mr. Huseyn Shaheed. [Calcutta South (Muhammadan).]

T

Tarafdar, Maulvi Rajib Uddin. [Bogra Muhammadan).]
Travers, Mr. W. L., C.I.E., O.B.E. [Rajshahi (European).]

V

Villiers, Mr. Edward. [Presidency and Burdwan (European).]

W

Woodhead, Mr. J. A. (Nominated Official.)

Y

Yasin, Maulvi Muhammadan. [Burdwan Division North (Muhammadan).]

* Deputy President of the Bengal Legislative Council.

THE BENGAL LEGISLATIVE COUNCIL PROCEEDINGS.

(Official Report of the Nineteenth Session.)

VOLUME XIX.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Thursday, the 3rd December, 1925, at 3 P.M.

Present:

The Hon'ble the President (Kumar SHIB SHEKHARESWAR RAY) in the Chair, the four Hon'ble Members of the Executive Council, and 126 nominated and elected members.

Oath or Affirmation.

The following members made an oath or affirmation of their allegiance to the Crown:—

Major-General RICHARD HEARD, C.I.E., M.D., K.H.S., I.M.S.
Mr. M. C. McALPIN, C.I.E., I.C.S.
Khan Bahadur MD. ABDUL MUMIN.
Mr. MAHBUBUL HUQ.
Mr. C. B. CHARTRES.
MOLLAH AHSANULLAH.
Babu HARIPADA RAY CHAUDHURI.

Death of Her Gracious Majesty Queen Alexandra.

Mr. PRESIDENT: Order, order. Gentlemen of the Council,—We meet under the shadow of an Empire's mourning, but this is not the time nor the occasion to speak of the many transcending qualities of head and heart of Her Gracious Majesty, the late Queen Alexandra, known affectionately and reverently the wide-world over as the Queen Mother. Hers was a glorious life lived in all its transcendent fullness of gracious love and queenly service for humanity and we thank God that He vouchsafes to us from time to time outshining examples of beautiful lives such as the life of the mother of our King-Emperor. Reverently we say, God help His Gracious Majesty in his grievous sorrow; and we, His Majesty's most loyal subjects, with humble duty, bow our heads in grief with Him at the passing of one who was a great Queen, a devoted wife and mother.

Gentlemen of the Council, I shall ask you presently to stand in your seats as a tribute of respect to Her late Majesty, and it will then be my respectful duty to transmit, through the proper channel, to the foot of the Throne an expression of the Council's deep grief and of their respectful sympathy with His Majesty the King and with Her Majesty Queen Mary and all the Royal Family in their great bereavement, tendering at the same time with dutiful respect, the Council's deep and abiding loyalty to His Gracious Majesty's Throne and Person.

I shall be obliged if you will all now rise in your seats.

(The members then rose in their seats.)

Mr. PRESIDENT: Thank you, gentlemen.

Death of Rai Bahadur Lalit Mohan Singh Roy.

Mr. PRESIDENT: Gentlemen of the Council,—There is another melancholy news which it has fallen to my lot to convey to you. It is the passing away of our late lamented colleague, Rai Bahadur Lalit Mohan Singh Roy, the Zamindar of Chakdigi. He represented the landholders of the Burdwan Division in this Council during its last term. There are many among us here who knew him well for his was a striking personality—a tall fine figure, highly cultured, simple in his manners and always courteous, a typical Rajput nobleman. To know him was to like him and respect him. We all mourn his loss and with your permission, gentlemen, I propose to convey the condolence of the House to his bereaved family. I now request you, gentlemen, to show respect to the memory of the departed nobleman by kindly rising in your places.

(The members then rose in their places.)

Mr. PRESIDENT: Thank you, gentlemen.

Letters from Colonel Bayley and Mr. Syed Ali Meerza.

Mr. PRESIDENT: Gentlemen of the Council,—I should like to read to you two letters which have been received by the Secretary— the first is from Colonel Bayley, dated France, the 10th September, 1925:—

"DEAR SIR,

I have received your letter of 14th August, and have communicated its contents to the other sons and daughters of the late Sir Stuart Bayley, also to his nephew Sir Charles Bayley (formerly Governor of Bihar and Orissa). In their name and my own, I would ask you to convey to the Hon'ble Sir Evan Cotton and the members of the Bengal Legislative Council, our sincere gratitude for their kind message of sympathy and our heartfelt appreciation of the touching remarks of sorrow and respect shown by the President and Council on hearing the news of my father's death.

I remain,

Yours very sincerely,
(Sd.) S. F. BAYLEY, *Lt.-Col.*"

This is from Mr. Syed Ali Meerza and is dated Calcutta, the 28th August, 1925.

"DEAR SIR,

I beg to acknowledge your letter No. 1963L., dated 20th August, 1925, communicating to me at the request of the Hon'ble Kumar Shib Shekhareswar Ray, President of the Bengal Legislative Council, the message of condolence and sympathy of the Legislative Council at the sad death of my revered father as embodied in the Council resolution. I should request the favour of conveying the respectful thanks of myself and the members of the bereaved family for this sympathetic message to the Hon'ble the President for his and the Council's information.

Yours truly,

(Sd. SYED ALI MEERZA."

Portrait of the late Nawab Sir Syed Shams-ul-Huda.

Mr. PRESIDENT: Members of the Council will be interested to hear that Lady Huda has very kindly presented a portrait of her husband the late Nawab Sir Syed Shams-ul-Huda, the first President of this Council. The portrait has been hung up in the President's chamber and members are cordially invited to view it.

Panel of Chairmen.

Mr. PRESIDENT: In accordance with the provisions of Rule 3 of the Bengal Legislative Council Rules, 1920, I nominate the following members of the Council to form a panel of four Chairmen for the ensuing session, namely—

Babu JATINDRA NATH BASU,
Maulvi EKRAMUL HUQ,
Mr. G. MORGAN, and
Raja MANMATHA NATH RAY CHAUDHURI of Santosh.

Unless otherwise arranged, the senior member among them present in the above order named will preside over the deliberations of this Council in my absence and in the absence of the Deputy President.

Starred Questions

(to which oral answers were given).

Officers in the Lecturers' service.

*1. **Babu SUDARSAN CHAKRAVORTY:** (*a*) Will the Hon'ble Member in charge of the Department of Education be pleased to state whether it is a fact that there are officers in the existing

Lecturers' service, who, in addition to their Calcutta Degrees, hold post-graduate Research Degrees of the English Universities, and have made original contributions to the advancement of learning?

(*b*) Are the Government considering the desirability of taking early steps to promote them to the Bengal Educational Service on adequate salaries or to place them outside the graded list on special rates of salaries consistent with their attainments?

(*c*) If not, will the Hon'ble Member be pleased to state the reasons therefor?

MEMBER in charge of DEPARTMENT of EDUCATION (the Hon'ble Sir Abd-ur-Rahim): (*a*) There are possibly a few such cases.

(*b*) No.

(*c*) Promotion depends upon the occurrence of suitable vacancies, and Government cannot possibly guarantee to improve the pay of all officers who improve their qualifications, except as vacancies occur of a suitable nature.

Executive Officers of the Bankura district.

***11. Babu UMES CHANDRA CHATTERJEE:** (*a*) Will the Hon'ble Member in charge of the Appointment Department be pleased to lay on the table a statement showing, for the district of Bankura, for the years, 1880, 1885, 1890, 1895, 1900, 1905, 1910, 1915, 1920, 1924-

(*i*) the number of Executive Officers (Magistrates, Additional Magistrates, Assistant Magistrates, Joint Magistrates, Deputy Magistrates and Sub-Deputy Magistrates) in employ under Government;

(*ii*) the number of cases tried by the Executive Officers?

(*b*) Will the Hon'ble Member be pleased to state whether the Government are considering the desirability of decreasing the number of Executive Officers at Bankura owing to the Excise and the Income-tax Departments having been separated?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Sir Hugh Stephenson): (*a*) (*i*) and (*ii*) The information is not readily available and its compilation would involve an amount of labour incommensurate with its value.

(*b*) No.

Death of certain persons at the King George's Dock Works.

***111. Babu BORODA PROSAD DEY:** (*a*) Is the Hon'ble Member in charge of the Marine Department aware that some men died lately at the King George's Dock Works, Calcutta, by electric shock, owing to defective lay-out?

(*b*) Are the Government considering the desirability of inquiring as to who are responsible for this occurrence?

MEMBER in charge of MARINE DEPARTMENT (the Hon'ble Mr. J. Donald): (*a*) On the 15th July a two-ton crane, while being moved along its track at King George's Dock by a gang of coolies, suddenly became electrified. The whole gang received shocks and seven men succumbed.

(*b*) Independent inquiries into the occurrence were made by the Port Commissioners, by the Assistant Electric Inspector, Bengal and Assam, and by a Magistrate; and their reports have been considered by Government. The actual physical circumstances in which the accident occurred were not ascertainable and there is no evidence showing who, if anybody, was to blame for it.

Babu BORODA PROSAD DEY: Will the Government be pleased to lay on the table of the Council Library, the reports mentioned in the answer to my question?

The Hon'ble Mr. J. DONALD: I want notice of this question.

Mr. S. N. HALDAR: Is not the Government taking any steps for the prevention of such accidents in future?

The Hon'ble Mr. J. DONALD: It is difficult to know what the cause of these accidents is, so I do not see how we can take action against something we do not know.

Excise and opium shops in the Noakhali district.

***IV. Maulvi SAYEDUL HOQUE:** Will the Hon'ble Member in charge of the Department of Agriculture and Industries be pleased to lay on the table a statement showing

(*i*) the number of excise shops where alcoholic liquor and intoxicating drugs are sold, in the district of Noakhali, and the places where they are situated;

(*ii*) the quantity of alcoholic liquor and of intoxicating drugs that have been sold at the various shops in the said district during the last five years ending on the 31st of December, 1923, and their value;

(*iii*) the amount that has been received as excise revenue from all sources in the said district in the year 1923; and

(*iv*) the amount that has been spent on the superintendence and maintenance of executive establishment for Excise in the said district in that year?

MEMBER in charge of DEPARTMENT of AGRICULTURE and INDUSTRIES (the Hon'ble Mr. J. Donald): (*i*) to (*iv*) A statement furnishing the information as far as available is laid on the table.

Statement referred to in the reply to starred question No. IV, showing the number and location of excise shops, the quantity of liquor and drugs consumed during the last five years ending 31st December, 1923, the amount of excise revenue from all sources in the year 1923 and the expenditure on superintendence in the said year in the district of Noakhali.

Number of excise shops where alcoholic liquor and intoxicating drugs are sold and the places where they are situated.	Quantity of alcoholic liquors and intoxicating drugs sold.					Value (as represented by the retail price), on account of excisable articles sold in 1923.	Amount received as excise revenue in 1923 from all sources.	Amount spent on superintendence and maintenance of executive establishment in 1923.
	1919.	1920.	1921.	1922.	1923.			
Country spirit.						Rs.	Rs.	Rs.
1. Noakhali town ..	L.P gals.	L. P. gals.	L. P. gals.	L. P. gals.	L. P. gals.	..	..	..
2. Lakhipur	783·1	815·1	741·9	575·0	651·7			
3. Raipur	Gross gals.	Gross gals.	Gross gals.	Gross gals.	Gross gals.			
4. Feni Bazar	1,266	1,369	1,171	1,058	1,192			
Foreign liquor.								
1. Noakhali town ..	Not available.							
2. Feni Bazar								

	Mds.	srs.	Mds	srs.	Mds.	srs.	Mds.	srs.	Mds.	srs.			
Ganja.													
1. Noakhali town ..													
2. Chowmohani ..													
3. Chandraganj ..													
4. Lakhipur Bazar ..													
5. Raipur													
6. Sonapur	13	7	12	1	11	29	10	0	10	4	35,350	..	..
7. Hatiya													
8. Sandip													
9. Feni Bazar													
10. Fulgazi													
11. Karaiya													
Bhang.													
1. Noakhali town ..													
2. Lakhipur	0	29	0	33	0	28	1	0	1	8	960	..	..
3. Feni Bazar													
Opium.													
1. Noakhali town ..													
2. Lakhipur													
3. Hatiya													
4. Sandip	4	21	4	26	4	22	4	34	5	2	26,260	..	..
5. Feni Bazar													
6. Fulgazi Bazar ..													
7. Sonapur													
Total ..	..		..		..		..		..		..	41,688	(a) 8,998

(a) Financial year of 1923-24.

Proscription of certain books.

***V. Babu HEMANTA KUMAR SARKAR:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether the following books were proscribed by Government:—

(*1*) "Bisher Banshi," by Kazi Nazrul Islam;

(*2*) "Bhangar Gan," by Kazi Nazrul Islam; and

(*3*) "Rakta Rekha" by Sabitriprosanna Chatarji?

(*b*) Is it a fact that every one of the poems contained in the book was published in various periodicals?

(*c*) Is it also a fact that the book "Rakta Rekha" was never translated into English?

(*d*) If the answer to (*b*) is in the affirmative, will the Hon'ble Member be pleased to state why the poems when published separately were not dealt with?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Sir Hugh Stephenson): (*a*) Yes.

(*b*) Government have not definite information as to whether every one of the poems contained in the three books was published separately but it is a fact that many of them were so published.

(*c*) Government have no information to show that "Rakta Rekha" has been published in the form of an English translation.

(*d*) Government do not claim that their system of examining the press is so complete that no seditious literature escapes notice.

Mr. KIRAN SANKAR ROY: Will the Government be pleased to say which poem or poems of these books are seditious?

The Hon'ble Sir HUGH STEPHENSON: I want notice of this question.

Mr. A. C. BANERJEE: May I ask whose duty it is to say that these books contain seditious matters?

The Hon'ble Sir HUGH STEPHENSON: Government's.

Mr. A. C. BANERJEE: May I say that that is a rather vague answer. I should like to know which particular officer of Government

Mr. PRESIDENT: This question does not at all arise from the main question; you will see that for yourself.

Mr. S. N. HALDAR: Are we not entitled to know who proscribes these books? Which member of Government is responsible for it?

Mr. PRESIDENT: I think you have already had an answer to your question.

Mr. S. N. HALDAR: Are we not entitled to know which officer of Government?

Mr. PRESIDENT: We are not now dealing with that question; it does not arise at all.

Mr. S. N. HALDAR: I wanted to know from you whether we are not entitled to know which officer of Government is responsible for the proscription of these books.

Mr. PRESIDENT: Mr. Haldar, I have already given my ruling. That question does not arise from the main question at all.

Mr. S. N. HALDAR: Very well.

Preparation of list of voters for the ensuing election of Bengal representatives of the Council of State.

*VI. **Babu HEMANTA KUMAR SARKAR:** (*a*) Will the Hon'ble Member in charge of the Appointment Department be pleased to state who are responsible for preparing the lists of voters for the ensuing election of Bengal representatives of the Council of State?

(*b*) Is it a fact that the names of several members of the Bengal Legislative Council have not been included in the list?

(*c*) Will the Hon'ble Member be pleased to state the reasons for these omissions?

(*d*) What steps are being taken to prevent such omissions taking place in future?

The Hon'ble Sir ABD-UR-RAHIM: (*a*) The Commissioners of the Presidency and Dacca Divisions.

(*b*) Government have no information to that effect.

(*c*) If such omissions have occurred Government can assign no reason for them, except the failure of persons eligible as voters to take the proper steps to have their names entered on the lists in accordance with the official *communiqués* issued for their guidance.

(*d*) The question does not arise.

Maulvi MD. NURUL HUQ CHAUDHURI: Is it not a part of the duty of Government to see that the names of the well-known members of the Council ought to be entered in the list of the voters of the Council of State?

The Hon'ble Sir ABD-UR-RAHIM: The voters themselves have t take certain steps in order to have their names entered on the list.

Maulvi MD. NURUL HUQ CHAUDHURI: If the list is being pre pared by Government, is it not the duty——

Mr. PRESIDENT: You will perhaps realize that this is not proper form of question. You cannot make a statement.

Maulvi MD. NURUL HUQ CHAUDHURI: Will the Government b pleased to see——

Mr. PRESIDENT: That is a request for action not a question. cannot allow it.

Academic attainments of many officers in the Subordinate Educational Service.

***VII. Babu SUDARSAN CHAKRAVORTY:** (*a*) Will the Hon'bl Member in charge of the Department of Education be pleased t state whether it is a fact that the academic attainments of many officer of the Lecturers' service and in the Subordinate Educational Service, ar as high as, or even higher than, those of many officers in the highe branches of the Educational Service?

(*b*) Is it a fact that many of these officers have long been engage in teaching up to B.A. and B.Sc. standards, both Pass and Honours

(*c*) Is it a fact that some of these officers have also long been servin as University Examiners in B.A. and B.Sc. subjects?

The Hon'ble Sir ABD-UR-RAHIM: (*a*) Yes, in a few cases.

(*b*) and (*c*) Yes.

Central Text Book Committee.

***VIII. Babu UMES CHANDRA CHATTERJEE:** (*a*) Will th Hon'ble Member in charge of the Department of Education be please to state the number of members of the Central Text Book Committee?

(*b*) Will the Hon'ble Member be pleased to state who nominate the members of the Central Text Book Committee and for how many years the members hold office?

The Hon'ble Sir ABD-UR-RAHIM: (*a*) The Calcutta Text Book Committee (previously called the Central Text Book Committee) consists of 23 members, including the Director of Public Instruction, a President.

(*b*) The members of the Committee are appointed by the Director of Public Instruction, in consultation with the Secretary, Text Book Committee, and hold office for such periods as the Director of Public Instruction may determine.

Détenu Sudhangsu Kumar Adhicary.

*IX. **Mr. S. N. HALDAR:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether it is a fact that Sudhangsu Kumar Adhicary, detained at Kulpi, has recently been bitten by a snake?

(*b*) Where is he now?

(*c*) What is the present state of his health?

(*d*) Are there any qualified medical practitioners at Kulpi?

The Hon'ble Sir HUGH STEPHENSON: (*a*) Government have no information regarding the alleged snake bite.

(*b*) Government are not prepared to publish this information.

(*c*) He suffered from dysentery during October, 1925, but is reported to have made a good recovery under medical treatment.

(*d*) Government have been informed that there is a medical practitioner at or near Kulpi, but have no information as to his qualifications.

Mr. S. N. HALDAR: With regard to the answer to my question (*b*), I want to know the reason why Government is not willing to publish this information?

The Hon'ble Sir HUGH STEPHENSON: Because they do not think that it would be in the public interest to do so.

Mr. A. C. BANERJEE: I should like to know what effort was made by Government to find out whether this gentleman was bitten by a snake?

The Hon'ble Sir HUGH STEPHENSON: It is not for Government to find out if anybody was bitten by a snake. They have no information. If he had been bitten, presumably he would have informed the officer in charge or a visitor.

Mr. A. C. BANERJEE: In view of the fact that this question was put, was any effort made, as it should have been, to find out——

Mr. PRESIDENT: That is an argumentative form of question.

Mr. S. N. HALDAR: Was any effort made to find out whether he was bitten by a snake?

The Hon'ble Sir HUGH STEPHENSON: I have nothing more to add to my answer.

Mr. S. N. HALDAR: Will the Government give the name of the medical practitioner referred to in answer (*d*), if they have the information?

The Hon'ble Sir HUGH STEPHENSON: No information.

Mr. S. N. HALDAR: Will the Government be pleased to tell us how far this medical practitioner lives from Kulpi?

The Hon'ble Sir HUGH STEPHENSON: I want notice of this.

Mr. S. N. HALDAR: I want this question answered this Session.

Mr. B. N. SASMAL: Is it not the practice of Government to make enquiries about medical practitioners before sending détenus to any particular place?

The Hon'ble Sir HUGH STEPHENSON: Am I to reply to this question, Sir?

Mr. PRESIDENT: It is very difficult to say, but I think you should make an attempt.

Mr. B. N. SASMAL: I think I can demand a reply.

The Hon'ble Sir HUGH STEPHENSON: The presence or absence of medical practitioners is one of the things taken into consideration when we select places.

Mr. D. N. Roy: Is Sudhangsu Kumar still alive?

The Hon'ble Sir HUGH STEPHENSON: I believe he is, unless he dies while the Council is sitting.

Detenu Santosh Kumar Mitra.

***X. Mr. S. N. HALDAR:** (*a*) Will the Hon'ble the Member in charge of the Political Department be pleased to state whether Santosh Kumar Mitra is still under detention?

(*b*) If so, where is he detained now?

(*c*) If not under detention, when was he released?

The Hon'ble Sir HUGH STEPHENSON: (*a*) Yes.

(*b*) The Government are not prepared to publish this information.

(*c*) Does not arise.

Condition of the khal and the river round the headquarters town of Noakhali.

***XI. Maulvi SAYEDUL HOQUE:** Will the Hon'ble Member in charge of the Department of Public Works be pleased to state whether the Government are intending to make an inquiry regarding the present condition of the khal and the river round the headquarters town of Noakhali and to publish the result thereof?

MEMBER in charge of DEPARTMENT of PUBLIC WORKS (the Hon'ble Mr. J. Donald): An annual survey of the river and the khal is made and no further inquiry appears to be necessary. The result of the last survey shows that while the town is safe for the present from frontal attack, the erosion from the west is not inconsiderable in magnitude.

Old Scheme Madrasahs.

***XII. Maulvi SAYEDUL HOQUE:** Will the Hon'ble Member in charge of the Department of Education be pleased to state whether it is a fact that Government have prescribed rules preventing the local bodies, such as district boards, from helping the old scheme Madrasahs?

The Hon'ble Sir ABD-UR-RAHIM: No.

Expenditure for establishment in the Civil and Criminal Courts in the Noakhali district.

***XIII. Maulvi SAYEDUL HOQUE:** Will the Hon'ble Member in charge of the Judicial Department be pleased to state what is the total amount spent as pay of officers, pay of establishment and allowances, in the Civil and Criminal Courts in the district of Noakhali in the year 1923?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir Abd-ur-Rahim): The labour involved in the preparation of the answer would be incommensurate with its utility.

Maulvi Md. NURUL HUQ CHAUDHURI: Will the Government be pleased to state whether any account about this expenditure is being kept or not?

The Hon'ble Sir ABD-UR-RAHIM: There must be, I suppose, some accounts relating to the different heads.

Maulvi Md. NURUL HUQ CHAUDHURI: Cannot the Hon'ble Member furnish the information under those heads?

The Hon'ble Sir ABD-UR-RAHIM: I want notice of this question.

Muhammad Mohsin Endowment for educational purposes.

*XIV. **Maulvi SAYEDUL HOQUE:** Will the Hon'ble Member in charge of the Department of Education be pleased to state—

(*i*) what were the written wishes of Haji Muhammad Mohsin, of Hooghly, at the time of his making the endowment or donation for educational purposes;

(*ii*) how has that sum been utilized; and

(*iii*) how is it utilized now?

The Hon'ble Sir ABD-UR-RAHIM: (*i*) A copy of the English version of the Tauliatnamah of Haji Muhammad Mohsin is laid on the table.

(*ii*) and (*iii*) In accordance with the Tauliatnamah and a decree of the Sadar Dewany Adalat in suit No. 45 of 1832, affirmed subsequently by the Privy Council, the surplus income of the Trust Estate has been and is utilized in the following manner:—A three-ninths share is paid to the committee of management for the religious observances and upkeep of the Imambara. A one-ninth share is utilized for the payment of the Imambara establishment, the maintenance of a hospital and Unani dispensary, etc. A one-ninth share, together with the interest on investments and lapsed pensions, is applied to educational purposes.

Translation of Tauliatnamah of Haji Muhammad Mohsin, of Hooghly, referred to in the reply to clause (i) of starred question No. XIV.

I, Haji Muhammad Mohsin, son of Haji Foyzullah, son of Aga Foyzullah, inhabitant of Hooghly, being in state of full possession of all the faculties and powers to control and dispose of my property, as law directs, of my own free will and consent, do truly and legally declare and acknowledge that I have bequeathed for pious uses, and have given as an endowment in perpetuity the whole of my zamindari or landed estates of pargana Syedpur, etc., situated in zilla Jessore, also pargana Soobnaul, situated in the aforesaid zilla, and one house or building situated at Hooghly, known by the name of Imambara, and also the Imam Bazar with the *hât* or market thereof, likewise

situated at Hooghly, also all the articles and furniture, etc., appertaining to the said Imambara and contained in a separate list, the whole of which descended to me by inheritance and so has been in my proprietary possession, and whereas I have no children or descendants or relatives to succeed as my legal or lineal heirs for the purpose of preserving entire the customary usages and charges of the pious works and ceremonies belonging to the celebration of the religious rites and festivals of the faithful, which have always been observed by my family in all their generations and which I purpose to continue, therefore I have bequeathed and endowed as aforesaid all the rights and appurtenances whatsoever of the aforesaid property purely and sincerely for the sake of God to be appropriated and disposed of in manner following, and for these purposes I have appointed Rajab Ali Khan, son of Shaikh Muhammad Sadack and Shakur Ali Khan, of whose understanding and sagacity and faith and observance of religion I have had experience, to be Mutwallis (Prefects or Superintendents), and have made over to these two persons all the bequests and endowments above mentioned, that they in every respect whatsoever, mutually assisting and co-operating with each other and acting with mutual consent and advice, may persevere in the complete and due performance of this business entrusted to them in the following manner, namely, that they, the Mutwallis, after discharging duly the public revenues of Government (or the landed estates in question), divide the surplus proceeds of the mahals aforesaid into nine shares, and first appropriate three shares thereof to the expenses of the religious observances for the great Prophet and for the rest of his descendants, also for the expenses of the ten days' festival of the *Mohurrum* and for all the other appointed festivals, and for the repairs of the Imambara and burying-ground, and that they then appropriate two shares of the said nine shares to themselves in equal shares for their own use and enjoyment, and four shares for maintaining the amla or establishments and the persons whose names are separately written in a list signed and sealed by me, and in disposing of the pensions and allowances, whether daily pensioners and the better classes of persons and the class of peadahs and others, who now stand nominated to receive allowance, the Mutwallis after me will exercise their discretion and authority either to continue or discontinue them, as they may think proper, and I have made over generally to these two persons the Tauliat or charge of superintendency. In the event of either Mutwalli finding himself incompetent to discharge the functions, he is authorized to appoint any person whom he may consider qualified for the duty in his stead. To this end I have drawn up this deed or writing to be executed when necessity requires. Dated the 9th *Bysakh* 1221, *Hizree*, corresponding with 1213 B.S., corresponding with 20th April 1806.

Signed, sealed and witnessed.

Maulvi Md. NURUL HUQ CHAUDHURI: Will the Hon'ble Member be pleased to state what happens to the remaining four-ninths.

The Hon'ble Sir ABD-UR-RAHIM: The Hon'ble Member will find the answer to his question on page 11 of this book that four-ninths of the share goes to maintain the amlas or establishment, etc.

Revenue derived as sale-proceeds of unclaimed properties, etc., in the district of Noakhali.

***XV. Maulvi SAYEDUL HOQUE:** Will the Hon'ble Member in charge of the Judicial Department be pleased to state what is the total revenue derived during the year 1923 as sale-proceeds of unclaimed escheated properties, court-fees, fines and forfeiture in the district of Noakhali?

The Hon'ble Sir ABD-UR-RAHIM: The labour involved in the preparation of the answer would be incommensurate with its utility.

Amalgamation of thana Companyganj with police-station Sonagazi, in the Noakhali district.

***XVI. Maulvi SAYEDUL HOQUE:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state whether it is in the contemplation of the Government to amalgamate thana Companyganj, in the Sadar subdivision of the Noakhali district, with police-station Sonagazi, in the Feni subdivision of the same district?

(*b*) Is it a fact that petitions have been submitted to the Hon'ble Member in charge and the Inspector-General of Police protesting against the proposed amalgamation, on the ground of various public inconveniences?

(*c*) Will the Hon'ble Member be pleased to state whether it is in the contemplation of the Government to give up the aforesaid proposal or to accept any of the alternative proposals made in those petitions?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Sir Hugh Stephenson): (*a*) In accordance with the recommendation of the Retrenchment Committee, the Inspector-General of Police has under consideration proposals for the amalgamation of thanas in the Noakhali district, and this is one of the proposals.

(*b*) Yes.

(*c*) No proposals are before Government yet and the question does not therefore arise.

Amalgamation of thana Companyganj with police-station Sonagazi, in the Noakhali district.

***XVII.** (*a*) **Maulvi ABDUR RASCHID:** Will the Hon'ble Member in charge of the Police Department be pleased to state whether it is in the contemplation of the Government to amalgamate thana Companyganj, in the Sadar subdivision of the Noakhali district, with police-station Sonagazi, in the Feni subdivision of the same district?

(*b*) Is it a fact that petitions signed by several people have been submitted to the Hon'ble Member in charge and the Inspector-General of Police protesting against the same proposed amalgamation, on the ground of various public inconveniences?

(*c*) Are the Government contemplating giving up the aforesaid proposal and accepting any of the alternative proposals made in those petitions?

The Hon'ble Sir HUGH STEPHENSON: (*a*) to (*c*): The member is refered to the answer given to a similar starred question asked by Maulvi Sayedul Hoque at this meeting.

Rules for recruitment to the Provincial Judicial Service.

***XVIII. Rai SATYENDRA NATH ROY CHOUDHURI Bahadur:** (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state

(*i*) whether the rules for recruitment to the Provincial Judicial Service have been framed or sanctioned by the Government of India; and

(*ii*) whether they have been enforced, or are ready to be enforced?

(*b*) If the answer to (*a*) (*ii*) is in the negative, will the Hon'ble Member be pleased to state by what time they will be enforced?

(*c*) When will new recruitments be made under the new rules?

(*d*) Will the Hon'ble Member be pleased to state whether under the new rules direct recruitment or enrolment will be made?

(*e*) Will the Hon'ble Member be pleased to state whether this period of cessation of recruitment or enrolment will be deducted in the consideration of age?

The Hon'ble Sir ABD-UR-RAHIM: (*a*) (*i*) The whole question of recruitment to the Provincial Judicial Service is still under the consideration of Government, and it will take some time before rules are finally framed.

(*ii*) The question does not arise.

(*b*) No definite time can be given, but every endeavour will be made to expedite the matter.

(*c*) to (*e*) It is not possible to make a definite statement until the rules are adopted.

Maulvi Md. NURUL HUQ CHAUDHURI: Will the Government be pleased to state who recruits these officers or under whose recommendation these officers are recruited at the present moment?

The Hon'ble Sir ABD-UR-RAHIM: Under the Civil Courts Act with which the hon'ble member is familiar the High Court nominate the munsiffs and the Government are bound to accept their recommendation.

Maulvi Md. NURUL HUQ CHAUDHURI: Are the Government considering the question of the amendment of the Civil Courts Act?

The Hon'ble Sir ABD-UR-RAHIM: That question does not arise.

Mr. PRESIDENT: It is a bigger question and it also does not seem to be within the special cognizance of the Hon'ble Member in charge, namely, the amendment of the Civil Procedure Act?

Maulvi Md. NURUL HUQ CHAUDHURI: I mean not the Civil Procedure Act but the Civil Courts Act under which munsiffs are recruited.

The Hon'ble Sir ABD-UR-RAHIM: That also is an Act passed by the Government of India and a reference has to be made to them.

Mr. P. N. GUHA: Will the Hon'ble Member be pleased to state for how many years has this question been under the consideration of Government?

The Hon'ble Sir ABD-UR-RAHIM: The new rules have been under consideration for over a year, perhaps more, I am not quite certain.

Mr. P. N. GUHA: Question!

Posting of a Munsif at Pirojpur subdivision in the Bakarganj district.

***XIX. Rai SATYENDRA NATH ROY CHOUDHURI Bahadur:** (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether any memorial from the pleaders and litigant public of the Pirojpur subdivision, in the district of Bakarganj, has

been received praying for the posting of a Munsif there vested with powers to try suits valued up to Rs. 2,000 arising within the subdivision?

(*b*) If so, have the Government considered the facts and reasons stated in the memorial?

(*c*) Will the Hon'ble Member be pleased to state what is the decision of Government in the matter?

The Hon'ble Sir ABD-UR-RAHIM: (*a*) The answer is in the negative.

(*b*) and (*c*) Does not arise.

Adequate staff in heavy Sub-Registry Offices in the Bakarganj district.

*XX. **Rai SATYENDRA NATH ROY CHOUDHURI Bahadur:** (*a*) Will the Hon'ble Member in charge of the Department of Education (Registration) be pleased to state whether it is a fact that the heavy Sub-Registry offices in the district of Bakarganj are not adequately manned with clerks?

(*b*) Is it a fact that documents in those offices are not completed (copied and index prepared) in time?

(*c*) Is the Hon'ble Member aware that the public get their documents after much delay and have to pay delay fines for no fault of theirs?

(*d*) Are the Government considering the desirability of employing more clerks in those offices?

The Hon'ble Sir ABD-UR-RAHIM: (*a*) A list showing the number of registrations in 1924 in heavy offices in the district of Bakarganj is laid on the table. In each of these offices there are one clerk and two permanent muharrirs, except at Bhola, where there are one clerk and three muharrirs.

The establishment is reported by the Registrar to be adequate.

(*b*) and (*c*) There is no fixed time in which registration of documents must be completed. Inspections show that in most places the public are very slow in appearing to take documents and usually appear long after their completion. There is no serious delay on the part of any office.

(*d*) Statistics show this is quite unnecessary.

List referred to in the reply to starred question No. XX.

	Offices.	Number of registrations in 1924.
1.	Gaurnadi	... 7,495
2.	Amtoli	... 7,323
3.	Patuakhali	... 6,516
4.	Bhola	... 5,953
5.	Baufal	... 5,917
6.	Paterhat	... 5,869
7.	Berhanuddin	... 5,555
8.	Barisal Joint	... 5,547
9.	Pirojpur	... 5,438
10.	Bakarganj	... 5,305
11.	Matbaria	... 5,060

Vesting Munsifs of Patuakhali and Pirojpur with Small Cause Court powers.

***XXI. Rai SATYENDRA NATH ROY CHOUDHURI Bahadur:** (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether it is a fact that the Munsifs of Patuakhali, in the district of Bakarganj, have recommended to the District Judge to give the senior amongst them there the powers to try suits valued up to Rs. 2,000 arising within the Patuakhali Munsifi?

(*b*) Are the Government considering the desirability of vesting the senior Munsifs of the Pirojpur and Patuakhali subdivisions of the Bakarganj district with powers to try suits valued up to Rs. 2,000 at an early date?

The Hon'ble Sir ABD-UR-RAHIM: (*a*) Government have no knowledge.

(*b*) No.

Constituencies for election to the Bengal Legislative Council.

***XXII. Babu HEMANTA KUMAR SARKAR:** (*a*) Will the Hon'ble Member in charge of the Appointment Department be pleased to state whether it is a fact that some general constituencies for returning members of the Bengal Legislative Council have less than 2,000 voters on the electoral roll and others more than 20,000 voters?

(*b*) If the answer to (*a*) is in the affirmative, are the Government considering the desirability of revising the constituencies in order that a uniformity, as far as possible, with reference to the number of voters may be established?

(*c*) Is it a fact that the Nadia (Non-Muhammadan) Constituency had more than 21,000 voters on the list at the time of the last election, while similiar constituencies in the neighbouring districts of Jessore and the 24-Parganas had not half the number of voters on the list?

(*d*) Are the Government aware that the district of Nadia contains nine municipalities with a preponderating non-Muhammadan population?

(*e*) Are the Government considering the desirability of taking steps to revise the constituencies in such a manner as may create a separate seat for the Nadia Municipal (Non-Muhammadan) Constituency?

The Hon'ble Sir ABD-UR-RAHIM: (*a*) Yes.

(*b*) No. The Joint Select Committee recommended that no changes of substance in the franchise be made until 1929.

(*c*) The member is generally correct in his statements.

(*d*) Yes.

(*e*) No. Government are not convinced of the necessity for the creation of such a seat, and in any case such a step would be premature until the whole question has been revised.

List of all landed or house properties in the province inherited by the Government from previous rulers, etc.

***XXIII. Babu NALINIRANJAN SARKER:** (*a*) Will the Hon'ble Member in charge of the Department of Land Revenue be pleased to state whether there is any list in the possession of Government of all landed or house properties in the province, including the town of Calcutta (but excluding cantonments and military areas) inherited by the Government from the previous rulers or from private owners or acquired for public purposes, up to date, showing therein the nature, description, area and present value of such properties?

(*b*) Is such a list, if in existence, available for the use of the members of the Council?

(*c*) If the answer to (*b*) is in the negative, are the Government considering the desirability of taking immediate steps to make it so available in the near future?

(*d*) If no such list be in existence, are the Government prepared to make out such a list within the shortest possible time?

MEMBER in charge of DEPARTMENT of REVENUE [LAND REVENUE] (the Hon'ble Maharaja Kshitish Chandra Ray Bahadur of Nadia): (*a*) to (*c*) There is no such list, but information regarding Government property of various kinds is kept, generally in the form of registers, by the various authorities or departments responsible for the custody or control of such property.

(*d*) No; in the opinion of Government, the present system is adequate.

Expenditure on Police.

*XXIV. **Mr. A. C. BANERJEE:** Will the Hon'ble Member in charge of the Police Department be pleased to state by what sum and how has the expenditure on the Bengal and Calcutta Police been increased during the last 12 months?

The Hon'ble Sir HUGH STEPHENSON: To answer this question would involve a great amount of work, as it would be necessary to examine and split up the figures of two financial years. The civil estimates to be issued in about two months' time will give the revised figures that the member requires and I hope he will be able to wait for these.

Deaths of chaukidars while guarding railway lines.

*XXV. **Babu HEMANTA KUMAR SARKAR:** (*a*) Is the Hon'ble Member in charge of the Police Department aware of the fact that it has been reported that several chaukidars, while guarding the railway lines between the border of the Dinajpur and Rangpur districts, at night, on the occasion of the passing of the special trains conveying His Majesty the King of the Belgians and his suite, have been killed?

(*b*) Will the Hon'ble Member be pleased to state how many chaukidars were killed?

(*c*) Is it a fact that some chaukidars have lost their lives in the district of Nadia too?

(*d*) Are the Government considering the desirability of putting a stop to this duty?

(*e*) Is the Hon'ble Member aware of the fact that it entails considerable hardship to the chaukidars, who are required to stand unprotected by the rail lines for two and three days continually, at the risk of their lives?

(*f*) Will the Hon'ble Member be pleased to state whether the Government are making provision for the families of the poor deceased?

The Hon'ble Sir HUGH STEPHENSON: (*a*) and (*b*) Government have information of the deaths of two chaukidars, one of whom was patrolling the railway line on the border of the Dinajpur district on the occasion mentioned.

(*c*) Government have no information to this effect.

(*d*) Government are not prepared to stop this duty at present.

(*e*) Steps are being taken to remove the hardships that have been brought to the notice of Government. There is no risk to the lives of the chaukidars if they follow the instructions given to them. They are closely supervised while on duty by the officers of the regular police force.

(*f*) The question of compensation is being considered.

Death of Chaukidars guarding railway lines.

***XXVI. Babu JOGINDRA CHANDRA CHAKRAVARTI:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state whether it is a fact that some chaukidars who were deputed to stand along the railway line on the Eastern Bengal Railway, Northern Section, on the occasion of His Majesty the King of the Belgians' visit to Darjeeling, were killed by the running train?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state how many chaukidars were killed in this way?

The Hon'ble Sir HUGH STEPHENSON: (*a*) One chaukidar was killed while patrolling the railway line on the borders of the Dinajpur district on the occasion of His Majesty the King of the Belgians' visit to Darjeeling.

(*b*) Government have information only of two such cases.

Mr. S. N. HALDAR: May I know how was this chaukidar killed, whether by a passing train or the King's special?

The Hon'ble Sir HUGH STEPHENSON: I think I am right in saying that he was killed by a passing train.

Mr. S. N. HALDAR: Will the Hon'ble Member tell us by which passing train? Was it the train which carried the King of the Belgians?

The Hon'ble Sir HUGH STEPHENSON: I want notice of this question.

Mr. S. N. HALDAR: When did the fact of the chaukidar's death come to the knowledge of Government.

The Hon'ble Sir HUGH STEPHENSON: I cannot give the date when it was actually reported to Government. It was reported to Government through the Inspector-General of Police. I should like to add that I am informed that the man was killed by a goods train after the King of Belgians' train had passed.

Mr. N. C. SEN: Is there any foundation for the fact that no compensation has been paid to the family of the chaukidar?

The Hon'ble Sir HUGH STEPHENSON: No compensation has been paid but as I have said it is under the consideration of Government.

Mr. A. C. BANERJEE: Why was this chaukidar taken away from his duty and placed on patrol work on a railway siding?

The Hon'ble Sir HUGH STEPHENSON: Under the orders of the Inspector-General of Police.

Mr. A. C. BANERJEE: I should like to know the reason why. I want to know not under whose orders he was taken away but why.

The Hon'ble Sir HUGH STEPHENSON: To be put on patrol work on the railway line.

Mr. A. C. BANERJEE: For whose benefit? Is it not a fact that the lines require to be patrolled right through the year but why were special steps taken for the purpose of patrolling the line on this occasion and the chaukidar taken away from his duty for days together?

The Hon'ble Sir HUGH STEPHENSON: If the hon'ble member will wait for the next question he will probably get his answer.

Dr. BIDHAN CHANDRA ROY: Were any specific instructions issued to this particular chaukidar for which he had to pay his life?

The Hon'ble Sir HUGH STEPHENSON: General instructions to chaukidars employed on this sort of duty are issued, and I presume they were communicated to this chaukidar.

Maulvi Md. NURUL HUQ CHAUDHURI: Will the Government consider the question of paying some compensation to the family of the deceased chaukidar?

The Hon'ble Sir HUGH STEPHENSON: If you will look to the answer given to question No. XXV (*f*) by Babu Hemanta Kumar Sarkar you will find your reply.

Mr. K. S. ROY: Will the Government be pleased to say whether a pilot engine with a searchlight on it travelled at the rate of 10 miles per hour just before the train which conveyed the King of the Belgians?

Mr. PRESIDENT: That does not properly arise from the main question but if the Hon'ble Member is inclined to give an answer he may.

The Hon'ble Sir HUGH STEPHENSON: A pilot engine is very often run in front of a royal train but whether it was run on this occasion I cannot say off-hand:

Posting of Chaukidars to guard railway lines.

***XXVII. Babu JOGINDRA CHANDRA CHAKRAVARTI:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state whether it is the practice to post chaukidars along the railway line on the occasion of His Excellency's journey by rail, at night?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state when was this practice introduced?

(*c*) Will the Hon'ble Member be pleased to state what is the necessity of following a practice like this?

The Hon'ble Sir HUGH STEPHENSON: (*a*) The reply is in the affirmative.

(*b*) The practice was introduced first in 1908.

(*c*) The police are responsible for His Excellency's safety, and as the regular police force is entirely insufficient to patrol the line, chaukidars have to be employed on this duty.

Posting of Chaukidars to guard railway lines.

***XXVIII. Babu JOGINDRA CHANDRA CHAKRAVARTI:** (*a*) Is the Hon'ble Member in charge of the Police Department aware of the practice of posting chaukidars near railway lines at night?

(*b*) Is the Hon'ble Member also aware that the practice is not relaxed even in the rainy and winter seasons?

(*c*) Are the Government considering the desirability of stopping the practice?

The Hon'ble Sir HUGH STEPHENSON: (*a*) and (*b*) Yes. Railway lines are only patrolled on the occasion of a journey made by His Excellency the Viceroy or the Governor or by Royal personages.

(*c*) The member is referred to the answer given to clause (*d*) of a similar question put by Babu Hemanta Kumar Sarkar at this meeting.

Subordinate Executive Service.

***XXIX. Babu BORODA PROSAD DEY:** (*a*) Will the Hon'ble Member in charge of the Appointment Department be pleased to state whether it is a fact that a feeling of discontent exists among the members of the Subordinate Executive Service over their position, pay and prospects?

(*b*) If so, are the Government contemplating doing anything in the near future to remove this feeling of discontent?

The Hon'ble Sir HUGH STEPHENSON: (*a*) When the recommendations of the Donald Committee became known, and Government's decision upon the question of pay and prospects had been made public, representations from members of the Subordinate Civil Service and from the Subordinate Civil Service Association expressing disappointment were addressed to Government. On the 24th August, 1925, a deputation representing the Subordinate Civil Service Association was received and put forward their views.

(*b*) There are one or two subsidiary matters still under discussion, but Government do not contemplate any reorganization of the service or its duties.

Babu BORODA PROSAD DEY: Do the Government contemplate taking the cases of senior officers who actually do the same work as the Deputy Magistrates and Deputy Collectors into their consideration? It is said——

Mr. PRESIDENT: You cannot make a statement.

Babu BORODA PROSAD DEY: No, I simply ask for certain information. Do the Government contemplate taking the case of senior officers in the service who actually do the work of Deputy Magistrates and Deputy Collectors?

Mr. PRESIDENT: It is not quite clear for what purpose.

Babu BORODA PROSAD DEY: In regard to their pay and prospects and their promotion. Is that clear?

Mr. PRESIDENT: Yes, now I think it is clear.

The Hon'ble Sir HUGH STEPHENSON: If I understand the member aright his question is whether Government contemplate making

exceptions in individual cases to the general statement that no revision of pay and prospects is intended, the answer is that Government do not contemplate this.

Accidents at the level-crossings between Serampore and Baidyabati.

***XXX. Babu BORODA PROSAD DEY:** (*a*) Will the Hon'ble Member in charge of the Department of Public Works be pleased to state whether he is considering the desirability of calling for the records of the cases of accidents leading to death at the level-crossings of the East Indian Railway between Serampore and Baidyabati during the last five years, together with reports made by Government officials in this connection?

(*b*) Are the Government considering the desirability of taking steps to impress upon the Railway authorities the necessity for measures to minimise the chances of such accidents?

The Hon'ble Mr. J. DONALD: (*a*) The attention of the member is drawn to the Accident Rules framed by the Railway Board and published in Railway Board notification No. 120 T-18 of 21st March, 1923.

(*b*) The attention of the Railway administration will be drawn to this matter.

Absence of ordinary return tickets on the East Indian Railway.

***XXXI. Babu BORODA PROSAD DEY:** Is the Hon'ble Member in charge of the Department of Public Works aware that great discontent is felt among the local passengers from Burdwan to Howrah owing to the absence of ordinary return tickets in the East Indian Railway, such as there are in the Eastern Bengal Railway?

The Hon'ble Mr. J. DONALD: A representation has been received on this subject. The matter is one for the Railway Board.

Allegation of frauds practised in sub-registry offices in Bakarganj.

***XXXII. Rai SATYENDRA NATH ROY CHOUDHURI Bahadur:** (*a*) Is the Hon'ble Member in charge of the Department of Education aware that cases have come to light of frauds practised in some of the Sub-Registry offices of the Bakarganj district, by certain deed-writers, who have defrauded landlords of their legitimate fees by mentioning, in the documents and in the notices, names of some of their own relations as the agents of the landlords who are authorised to receive fees?

(*b*) If so, what steps are the Government taking to put a stop to such frauds?

(*c*) Is the Hon'ble Member aware of the fact that in many cases of documents executed by illiterate men and women of the lower and unadvanced classes, it has been detected that fraud has been committed by the recipients of documents, in collusion with deed-writers, either by misrepresentation or through influence?

(*d*) If so, what steps are the Government taking in the matter?

The Hon'ble Sir ABD-UR-RAHIM: (*a*) No such case has been brought to the notice of the District Registrar.

(*b*) Does not arise.

(*c*) No such case has been reported to Government.

(*d*) Does not arise.

Officers in the existing Bengal Educational Service.

***XXXIII. Babu SUDARSAN CHAKRAVORTY:** (*a*) Will the Hon'ble Member in charge of the Department of Education be pleased to state whether it is a fact that there are officers in the existing Bengal Educational Service who, in addition to their Calcutta degrees, hold postgraduate Research Degrees of distinguished English Universities, and have made original contributions to the advancement of learning?

(*b*) If so, will the Hon'ble Member be pleased to state the names of such officers in the Bengal Educational Service and the Subordinate Educational Service, respectively?

(*c*) Are the Government considering the desirability of taking early steps to promote such officers to the Indian Educational Service or to place them outside the graded list on special rates of salaries commensurate with their attainments?

(*d*) If the answer to (*c*) is in the negative, will the Hon'ble Member be pleased to state the reasons therefor?

The Hon'ble Sir ABD-UR-RAHIM: (*a*) There are officers meeting the description given who have good published or unpublished work to their credit.

(*b*) Mr. J. M. Basu, Mr. H. K. Banerjee (both in the Bengal Educational Service); Dr. N. K. Dutt, Dr. S. K. Das (both in the Subordinate Educational Service).

(*c*) No.

(*d*) All promotions to the Indian Educational Service have been stopped by the Secretary of State for the time being, and in any case Government cannot possibly guarantee to promote or raise the pay

of all officers who attain good qualifications, irrespective of other considerations.

Subordinate Educational Service.

***XXXIV. Babu SUDARSAN CHAKRAVORTY:** (*a*) Will the Hon'ble Member in charge of the Department of Education be pleased to state whether it is a fact that there are Indians, both in the existing Bengal Educational and Subordinate Educational Services of the Education Department, whose academic attainments are as high as those of many of the European officers in the Indian Educational Service?

(*b*) If so, will the Hon'ble Member be pleased to state why the channels of promotion to the Indian Educational Service of qualified Indians in the lower branches have been closed by not filling up the existing vacancies?

The Hon'ble Sir ABD-UR-RAHIM: (*a*) There are officers in these services who possess European qualifications.

(*b*) As stated in reply to another question by the member, pending final orders on the Lee Commission's Report, all appointments or promotions to the Indian Educational Service have been stopped by the Secretary of State in Council. This is in accordance with the recommendations in that report.

Subordinate Educational Service.

***XXXV. Babu SUDARSAN CHAKRAVORTY:** (*a*) Will the Hon'ble Member in charge of the Department of Education be pleased to state whether it is a fact that to facilitate the promotion of qualified officers in the Subordinate Educational Service, twenty-one Subordinate Educational service posts of the Lecturers' service were converted into Bengal Educational Service ones, only three or four years ago?

(*b*) Is it a fact that the vacancies in the Bengal Educational Service caused by the retirement, death or change of designation as professors of some of the officers thus promoted from the Subordinate Educational Service have of late been kept in abeyance, instead of being filled up by officers from the Subordinate Educational Service?

(*c*) If so, will the Hon'ble Member be pleased to state why the channels of promotion of lecturers have been closed?

The Hon'ble Sir ABD-UR-RAHIM: (*a*) In connexion with the reorganization of the Educational Services below the Bengal Educational Service, 21 senior lecturers and demonstrators were admitted to the Bengal Educational Service with their posts, with effect from

1st September, 1921. The decision was made mainly to secure the promotion of certain senior and deserving officers, who were then in the Subordinate Educational Service. The increase in the number of Bengal Educational Service teaching posts in Colleges, of course, incidentally provided greater opportunities for the promotion of Subordinate Educational Service College teachers to the higher service.

(*b*) and (*c*) Yes. A certain number of posts have been kept in abeyance. In connection with the question of the retrenchment of expenditure on the teaching staffs of Arts Colleges, it has been decided in consultation with the Governing Bodies of Colleges to reduce certain Bengal Educational Service posts, as opportunities occur, to the status of lecturerships in the Subordinate Educational Service. A list of such posts is laid on the table.

List referred to in the reply to starred question No. XXXV (b) and (c) showing the number of the Bengal Educational Service posts to be reduced to the Subordinate Educational Service in connection with the retrenchment decisions of Government.

No.	Name and designation of the post.	College to which attached.	Whether already reduced to the Subordinate Educational Service.	If not, when to be reduced to the Subordinate Educational Service.
1	Demonstrator in Physics.	Rajshahi College	No ..	To be reduced when it will be possible to absorb the present incumbents of those posts in ordinary vacancies in the Bengal Educational Service.
2	Demonstrator in Chemistry.	Ditto ..	No ..	Ditto.
3	Professor of History.	Ditto ..	No ..	Ditto.
4	Demonstrator in Chemistry.	Chittagong College	No ..	Ditto.
5	Lecturer in Sanskrit.	Hooghly College	No ..	Ditto.
6	Professor of English.	Krishnagar College	No ..	Ditto.
7	Professor of Sanskrit.	Ditto ..	No ..	Ditto.
8	Professor of Physics.	Ditto ..	No ..	Ditto.
9	Professor of English.	Sanskrit College	No ..	Ditto.
10	Professor of Philosophy.	Ditto ..	No ..	Ditto.
11	Demonstrator in Chemistry.	Dacca Intermediate College.	Already reduced to the Subordinate Educational Service status from June 1924.	

Prohibition of "Forward" [illegible] to State prisoners and détenus.

*XXXVI. **Mr. S. N. HALDAR:** (*a*) Will the Hon'ble Member in charge of the Department of Revenue (Jails) be pleased to state whether *Forward* newspaper is allowed to be read by—

(*i*) the State prisoners under Bengal Regulation III of 1818; and

(*ii*) other détenus or prisoners detained under the Bengal Criminal Law Amendment Act, 1925?

(*b*) If the answer to (*a*) is in the negative, will the Hon'ble Member be pleased to state the reasons for not allowing this paper to be read by these prisoners and détenus?

(*c*) Have the Government any objection if this newspaper is supplied to the détenus or prisoners?

(*d*) If so, will the Hon'ble Member be pleased to state the reason for such objection?

MEMBER in charge of DEPARTMENT of REVENUE [JAILS] (the Hon'ble Sir Hugh Stephenson): (*a*) (*i*) and (*ii*) No.

(*b*) and (*d*) Censorship of correspondence and literature is a necessary feature of the restraint under which these persons are kept, and the prohibition is enforced in accordance with the judgment of Government.

(*c*) Yes.

Rai HARENDRANATH CHAUDHURI: Has the attention of Government been drawn to the reply that has been given by the Under Secretary of State in the House of Commons regarding the supply of *Forward* to State prisoners?

The Hon'ble Sir HUGH STEPHENSON: I have seen it in the newspapers.

Rai HARENDRANATH CHAUDHURI: Will not the Government consider the desirability of supplying *Forward* to the State prisoners even after the reply that has been given by the Under Secretary of State?

Mr. PRESIDENT: The question is in an argumentative form and I cannot allow it.

Rai HARENDRANATH CHAUDHURI: Will the Government be pleased to supply *Forward* to the State prisoners?

Mr. PRESIDENT: It is a request for action. You know the rules very well.

Mr. A. C. BANERJEE: May I ask if there is any objection to supplying the *Forward* to the State prisoners?

Mr. PRESIDENT: Order, order. You have got the answer.

Mr. A. C. BANERJEE: I want to know if there is any objection, Sir?

Mr. PRESIDENT: Mr. Banerjee, I shall be very sorry if you enter into a debate on the point with the President.

Mr. A. C. BANERJEE: In view of the answer given by the Under Secretary of State what objection can there be?

Mr. PRESIDENT: The question does not arise.

Mr. S. N. HALDAR: Is the *Forward* a proscribed paper or a seditious pamphlet?

Mr. PRESIDENT: The question does not arise.

Mr. B. N. SASMAL: Will the Hon'ble Member be pleased to state if this restraint practised by Government is prescribed by Regulation III or by the Bengal Criminal Law Amendment Act, 1925?

Mr. PRESIDENT: Order, order. The question does not arise.

State prisoner Purna Chandra Das.

***XXXVII. Mr. S. N. HALDAR:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state—

(*i*) whether it is a fact that Purna Chandra Das, a State prisoner, is suffering from duodenal ulcer; or

(*ii*) whether he is suffering from any other serious illness?

(*b*) If so, will the Hon'ble Member be pleased to state the nature of his illness and the prognosis of his case?

(*c*) What course of treatment is being followed to cure him?

(*d*) When was he brought down from Burma?

(*e*) What is the present state of his health?

(*f*) Has any specialist been called in to treat him or consulted in his case?

(*g*) If not, will the Hon'ble Member be pleased to state the reasons therefor?

(*h*) Is it a fact that he applied for permission to consult the following doctors:—

Sir Nilratan Sarkar, Dr. K. S. Roy, Dr. B. C. Roy and Dr. J. M. Das Gupta?

(*i*) Is it a fact that such permission was refused?

(*j*) If so, will the Hon'ble Member be pleased to state the reason for such refusal?

(*k*) Who is the doctor that is treating him now?

The Hon'ble Sir HUGH STEPHENSON: (*a*) (*i*) and (*ii*) No.

(*b*) He had been suffering some time ago from chronic constipation.

(*c*) He is not now under medical treatment.

(*d*) Government are not prepared to publish this information.

(*e*) It is reported to be satisfactory.

(*f*) Yes.

(*g*) Does not arise.

(*h*) and (*i*) Yes.

(*j*) The medical officer in charge of him had already consulted specialists and did not consider any further consultation necessary.

(*k*) He is not at present under medical treatment.

Mr. S. N. HALDAR: With regard to the answer given to (*f*) will the Hon'ble Member kindly give the name of the specialist whom the Jail authorities consulted in this matter?

The Hon'ble Sir HUGH STEPHENSON: I think Colonel Connor and Colonel Denham White.

Mr. S. N. HALDAR: When was it?

The Hon'ble Sir HUGH STEPHENSON: I would ask for notice. I am afraid I do not know the date.

Mr. S. N. HALDAR: Have they submitted any report and if so, to whom?

The Hon'ble Sir HUGH STEPHENSON: I understand that they submitted a report to the medical officers who called them in.

[Mr. Haldar rose and began to put a question direct to the Member in charge.]

Mr. PRESIDENT: Mr. Haldar, you have finished, perhaps.

Mr. S. N. HALDAR: Am I not as a matter of right entitled to put supplementary questions?

Mr. PRESIDENT: You should take my permission, and there are certain formalities which ought to be observed in a big assembly like this if we are to maintain discipline.

Mr. D. N. ROY: Is it the parliamentary practice?

Mr. PRESIDENT: Mr. Roy ought to know that he cannot put any such question to the President.

Mr. S. N. HALDAR: May I ask this question, Sir? Does the hon'ble member think it desirable to publish the report submitted by the two medical officers?

The Hon'ble Sir HUGH STEPHENSON: I would ask for notice of this question.

Mr. S. N. HALDAR: May I request that this may be taken as notice?

Détenu Paramananda De.

***XXXVIII. Mr. S. N. HALDAR:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether it is a fact that Paramananda De is now detained under the Bengal Criminal Law Amendment Act at Kalaora, in the district of Khulna?

(*b*) If so, how long has he been there?

(*c*) What is the nearest steamer station or railway station from Kalaora and what is the distance of Kalaora from such stations?

(*d*) Is the place a healthy one?

(*e*) Are there any qualified medical practitioners?

(*f*) Is it a fact that he has submitted petitions to the Government from time to time informing them of the great inconveniences and the unbearable conditions he was undergoing?

(*g*) If the answer to (*f*) is in the affirmative, have the Government done anything to remove the disabilities and inconveniences mentioned in the petitions?

(*h*) Is it a fact that Paramananda had broken the internment order as a protest after giving notice to the local authorities that he was unable to bear the conditions under which he was then living?

(*i*) Is it a fact that he was prosecuted for breach of the rules and has been punished with two years' rigorous imprisonment and a fine of Rs. 100, in default 6 months' rigorous imprisonment?

(*j*) Under what section was he tried, and when?

(*k*) Where was he tried and what facilities were given him to defend himself?

The Hon'ble Sir HUGH STEPHENSON: (a) No.

(*b*) Does not arise, in view of the answer given above.

(*c*) Nearest steamer station, Saraskhati, is 5 miles distant, and the nearest railway station, Navaran, is 19 miles distant from Kalaora.

(*d*) It is reported to be.

(*e*) Yes.

(*f*) and (*g*) Several petitions have been received from him, but it appeared after investigation that he had no serious grounds for complaint.

(*h*) That is the reason he gave.

(*i*) Yes.

(*j*) Section 15 of the Bengal Criminal Law Amendment Act, 1925, in September last.

(*k*) At Khulna. He was tried in open court under the Code of Criminal Procedure.

Mr. S. N. HALDAR: Will the Hon'ble Member tell us where detenu Paramananda De is now?

The Hon'ble Sir HUGH STEPHENSON: Government is not prepared to publish that information.

Mr. S. N. HALDAR: May I ask, with regard to answer (*e*) regarding qualified medical practitioners, the names of the qualified medical practitioners?

Mr. PRESIDENT: Mr. Haldar, don't you think that that is a very wide question?

Mr. S. N. HALDAR: I wanted to know whether there are any qualified medical practitioners and the answer has been given in the affirmative and I now want to know their names.

Mr. PRESIDENT: Government must have inquired from the local officers whether there are qualified medical practitioners and they must have received the reply "Yes". If you want to know the names you ought to have mentioned that in your original question. I disallow the question.

Mr. S. N. HALDAR: May I know with reference to the answers (*f*) and (*g*) "after investigation", who investigated into the matter and when?

The Hon'ble Sir HUGH STEPHENSON: The local officers investigated into the matter and as to the dates I cannot give them.

Mr. S. N. HALDAR: May I ask whether the District Magistrate or a Deputy Magistrate or a medical officer or a Jail Superintendent investigated into the matter?

Mr. PRESIDENT: It is left to your inference.

Mr. S. N. HALDAR: I am entitled to some answer on this point.

Mr. PRESIDENT: If you want the information you ought to have given notice of the question. How is it possible for every member of the Government to give names? Just try to place yourself in his position. Would it be possible for you to give names? It is absolutely impossible and he can only make a general statement such as "local officers". If you want names you must give notice and next time the Hon'ble Member will, I am sure, be glad to supply the information.

Mr. S. N. HALDAR: With due respect I may submit that under a certain section of the Standing Orders the powers have been given to us to ask supplementary questions out of answers given; if your ruling is correct, then that section in the Standing Orders ought to be done away with.

Mr. PRESIDENT: I would invite the attention of the hon'ble member to another subsequent section which empowers the President to disallow any question which he considers to be frivolous.

Mr. A. C. BANERJEE: I rise to a point of order. May I ask if you are entitled to consider the members of the Government so helpless as all that?

Mr. PRESIDENT: It is not a proper point of order to put. I hope that such points of order will not be so lightheartedly put. Please pass on to the next question.

Mr. S. N. HALDAR: I have not yet finished, Sir.

Mr. PRESIDENT: I hope you will obey the ruling of the Chair and resume your seat.

Maulvi MD. NURUL HUQ CHAUDHURI: I understand that under the rules the first hour is allotted for answering questions. I think that more than an hour has already been taken.

Mr. PRESIDENT: Under the rules the first hour available for business of the Council is to be devoted to questions, and that hour is not yet over.

Détenu Sachindra Nath Sanyal.

***XXXIX. Mr. S. N. HALDAR:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state—

(*i*) whether Sachindra Nath Sanyal is still detained under the Bengal Criminal Law Amendment Act, 1925; or

(*ii*) whether the order of detention under that Act against him has been withdrawn?

(*b*) If the answer to (*a*) (*ii*) is in the negative, will the Hon'ble Member be pleased to state the reasons for not withdrawing the detention order?

(*c*) What is the condition of Sachindra Nath Sanyal's health at the present moment?

(*d*) Is it a fact that he has been suffering from ill-health for some time past?

(*e*) If so, what is the nature of such illness or ailment and what is the duration thereof?

The Hon'ble Sir HUGH STEPHENSON: (*a*) (*i*) and (*ii*) The order under the Bengal Criminal Law Amendment Act is still in force.

(*b*) Because in the opinion of Government the grounds for keeping him under restraint still subsist.

(*c*) He is reported to be in very good health.

(*d*) and (*e*) Government have no such information.

Mr. S. N. HALDAR: May I ask if Government is aware that Détenu Sachindra Nath Sanyal has already been convicted and sentenced to two years' rigorous imprisonment? If so, does the reason subsist for detaining him under the Bengal Criminal Law Amendment Act?

The Hon'ble Sir HUGH STEPHENSON: Government is aware that Sachindra Nath Sanyal has been sentenced to two years' rigorous imprisonment and that an appeal is now pending in the High Court. It makes no difference to my answer.

Persons arrested under the Bengal Regulation III of 1818, and the Bengal Criminal Law Amendment Ordinance, 1924.

***XL. Babu HEMANTA KUMAR SARKAR:** Will the Hon'ble Member in charge of the Political Department be pleased to lay on the table a statement showing—

(*i*) the total number of persons arrested under the Bengal Regulation III of 1818, and the Bengal Criminal Law Amendment Ordinance, 1924;

(*ii*) the names of persons released up till now;

(*iii*) the names of persons interned at home and other places; and

(*iv*) allowances given at present to each of them?

The Hon'ble Sir HUGH STEPHENSON: (*i*) A statement is laid on the table.

(*ii*) to (*iv*) Government are not prepared to publish this information.

Statement referred to in the reply to starred question No. XL (i) showing the number of persons arrested and released under Bengal Regulation, III of 1818, the Bengal Criminal Law Amendment Ordinance, 1924, and the Bengal Criminal Law Amendment Act, 1925.

1.	Arrested under the Regulation ...	50
2.	Arrested under the Ordinance or the Act ...	89
3.	Total arrested ...	139
4.	Released or removed to home or foreign domicile ...	71
5.	At present in jail ...	68

Détenu Mr. S. C. Bose.

***XLI. Babu HEMANTA KUMAR SARKAR:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to lay on the table a statement showing the record of weight of Mr. Subhas Chandra Bose, a détenu in the Mandalay Jail, Burma, since he was arrested?

(*b*) Is it a fact that Mr. Bose has been suffering from insomnia?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Member be pleased to state what steps have been taken to cure him of the disease?

(*d*) Is it a fact that Mr. Bose is still suffering from occasional "indigestion and a pain in the back", referred to in the Hon'ble Member's statement in reply to starred question No. XX in the Council on the 13th of August last?

(*e*) Are the Government considering the desirability of having a thorough medical examination held to ascertain whether the pain in the backbone is not of a rheumatic or tubercular origin?

The Hon'ble Sir HUGH STEPHENSON: (*a*) A statement is laid on the table. It is reported that the decrease in weight is not due to ill-health.

(*b*) and (*c*) He complained of insomnia in May last. Since then, no information has been received that he has been suffering from this complaint.

(*d*) No information to this effect has been received.

(*e*) No.

Statement referred to in the reply to clause (a) of starred question No. XLI showing the weight of Mr. S. C. Bose, a détenu, at various times since his arrest.

Month.		Weight in lbs.
October 1924	...	... 168
January 1925	...	... 180
April 1925	...	... 177
May 1925	...	... 174
June 1925	...	... 173
July 1925	...	... 174
August 1925	...	... 174
September 1925	...	... 172
October 1925	...	... 165
November 1925	...	... 161

Babu HEMANTA KUMAR SARKAR: Will the Hon'ble Member be pleased to answer if the decrease in weight of 20 lbs. is due to the comforts Mr. Bose is having there?

Mr. PRESIDENT: You should not use any ironical expression in putting a question. There are elementary rules to be observed in putting questions, and I expect every member to observe them.

Mr. S. N. HALDAR: May I know the reason why his weight is going down?

The Hon'ble Sir HUGH STEPHENSON: On receiving this question I wired to the Burma Government to know the reason of the decrease in weight. They wired back to us saying that the decrease was not due to ill-health, but they could not say what it was due to.

Mr. A. C. BANERJEE: Will the Hon'ble Member be pleased to say whether Mr. Bose to spite the Government has gone down in weight?

Mr. PRESIDENT: That is again an ironical question and I cannot allow it.

Mr. B. N. SASMAL: Will the Government be pleased to publish the report which they have received on the question of the decrease of weight?

The Hon'ble Sir HUGH STEPHENSON: I have received no special report about this decrease in weight. We receive a report every month, a copy of which is sent to the Government of India in the case of Regulation III State prisoners, which gives their general health and their weight month by month, and the figures regarding weight given in my answer have been compiled from this.

Unstarred Questions

(answers to which were laid on the table).

Periodical transfer of Executive Engineers of the Public Works Department.

1. Babu BORODA PROSAD DEY: (*a*) Will the Hon'ble Member in charge of the Department of Public Works be pleased to state whether there is any rule for periodical transfer of Executive Engineers of the Department?

(*b*) For how long have the present Executive Engineers in charge of the Calcutta Divisions, and the divisions near Calcutta, remained in the same charge?

(*c*) Are the Government aware that in the absence of such periodical transfers, some cases of undesirable abuses in the working of the Department are reported to have occurred?

The Hon'ble Mr. J. DONALD: (*a*) No.

(*b*) One officer for 3 years and 7 months; another for 7 years and 5 months (he will retire from the service in December, 1925); the third officer for 2 years and 8 months; and the fourth officer for 5 years and 5 months.

(*c*) Periodical transfers are made as a matter of practice, though the procedure is not governed by rules.

Arrangements for enclosures and shelters at some polling stations.

2. Rai Sahib PANCHANAN BARMA: (*a*) Will the Hon'ble Member in charge of the Appointment Department be pleased to state whether he is aware that the voters at the last Council election were put to inconvenience on account of the arrangements for enclosures and shelters at some polling stations?

(*b*) Are the Government considering the desirability of making adequate arrangements for the voters in the polling stations in future elections?

The Hon'ble Sir ABD-UR-RAHIM: (*a*) and (*b*) Government are not aware of any specific complaint of inconvenience at a polling station, but if the Rai Sahib has any proposal to make for improving the arrangements Government shall be glad to consider it.

Strikes in Bengal.

3. Mr. K. C. RAY CHAUDHURI: Will the Hon'ble Member in charge of the Department of Commerce be pleased to lay on the table a statement showing the number and nature of the strikes in Bengal during the first half year of 1925 and the number of persons involved?

MEMBER in charge of DEPARTMENT of COMMERCE (the Hon'ble Mr. J. Donald): A statement is laid on the table.

Statement referred to in the reply to unstarred question No. 3 at the Council meeting held on the 3rd December, 1925.

I.—Number of strikes in Bengal during the first half-year of 1925	...	28
II.—Nature of the strikes—		
Demands—		
(1) Number arising out of questions concerning pay	...	13
(2) Number arising out of questions concerning discharge, dismissal or other disciplinary action	...	7
(3) Number arising out of miscellaneous questions	...	8
Total	...	28
III.—Number of persons (workers) involved	...	35,476

Mistakes in the preparation of the electoral rolls for the Bengal Legislative Council.

4. Rai Sahib PANCHANAN BARMA: (*a*) Will the Hon'ble Member in charge of the Appointment Department be pleased to state

whether he is aware that in the preparation of the electoral rolls for the Legislative Council mistakes of the following nature are made, namely:—

(*i*) the names of electors are not properly written or spelt;

(*ii*) errors in printing;

(*iii*) the addresses are not properly given; and

(*iv*) descriptions are not properly, or wrongly given, *e.g.*, one brother is given as the father of another?

(*b*) Is the Hon'ble Member also aware that in the last electoral rolls—

(*i*) females who had then no right for franchise were entered in the rolls;

(*ii*) persons not qualified were entered in the rolls; and

(*iii*) qualified persons were left out?

(*c*) Is the Hon'ble Member also aware that for the reasons stated in (*a*) and (*b*) the polling officers were put to difficulty in ascertaining the facts and for that reason refused permission to many persons to record their votes?

(*d*) If the answer to (*a*), (*b*) and (*c*) are in the negative, are the Government considering the desirability of directing an inquiry to be made into the matter by an examination of the last electoral rolls?

(*e*) Are the Government considering the desirability of taking steps to scrutinize the future electoral rolls, when prepared by the village panchayats and before publication?

The Hon'ble Sir ABD-UR-RAHIM: (*a*) to (*c*) No specific instances of mistakes of the nature described have been brought to the notice of Government, but I am aware that the electoral rolls were inaccurate in some respects and that such inaccuracies must necessarily have caused inconvenience to voters and polling officers alike.

(*d*) The question does not arise.

(*e*) Every effort will be made to secure greater accuracy in the preparation of the rolls when they next come under revision.

Alteration of the timings of the trains in all the branch lines from Parbatipur.

5. Babu JOGINDRA CHANDRA CHAKRAVARTI: (*a*) Is the Hon'ble Member in charge of the Department of Public Works (Railways) aware that since the opening of the broad-gauge line of the Eastern Bengal Railway up to Parbatipur there has been a material alteration of the timings of the trains in all the branch lines from Parbatipur?

(*b*) Is the Hon'ble Member also aware that those alterations have caused inconvenience to the travelling public of North Bengal?

(*c*) Is the Hon'ble Member aware that many representations have been made to the authorities of the Eastern Bengal Railway for altering the present timings of the trains over the Katikar, Lalmonirhat and Siliguri lines, without any result?

(*d*) Is the Hon'ble Member aware that in consequence of the introduction of the new timings, the *dak* carried by the up Darjeeling Mail reaches Dinajpur at 8 o'clock instead of at 6 in the morning, as before, with the result that the delivery of the *dak* takes place after the people leave for their courts and offices, and the Calcutta *dak* is, therefore, practically received by them a day late?

(*e*) Is the Hon'ble Member aware that in the case of some trains, more particularly the day trains, passengers travelling short distances, as from Dinajpur to Rangpur, or from Dinajpur to Jalpaiguri and *vice versâ*, have to be detained at Parbatipur for about 5 to 6 hours?

(*f*) Will the Hon'ble Member be pleased to state whether the Government are taking any steps to get the time-table altered to suit the convenience of the public?

The Hon'ble Mr. J. DONALD: (*a*) Yes. This alteration in timings was essential.

(*b*) Government have received no representation on the subject.

(*c*) The reply is in the negative.

(*d*) and (*e*) Yes.

(*f*) The present timings are only transitional, pending the construction of the broad-gauge line up to Siliguri. The inconveniences now mentioned will be referred to the Agent for due consideration when the time-table is next revised.

Gopalganj Munsifi.

6. Dr. MOHINI MOHAN DAS: (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state—

(*i*) whether the buildings for the Gopalganj Munsifi in the district of Faridpur have been completed;

(*ii*) on what date the Courts of Munsifs will be opened at Gopalganj; and

(*iii*) whether the Hon'ble High Court have sanctioned the opening of the Munsifi from November 1925?

(*b*) Will the Hon'ble Member be pleased to state the reason for the delay in opening the Munsifi at Gopalganj?

(*c*) Is the Hon'ble Member aware that a number of pleaders will have to shift to Gopalganj for practising in the Courts of the Munsifs

there and that at present there is not a sufficient number of houses available to accommodate them?

(*d*) Has the Hon'ble Member considered the point that unless a notification be published in the Gazette and in the locality at least one month before the opening of the Munsifi, the pleaders and the litigant public will be put to difficulties?

(*e*) Will the Hon'ble Member be pleased to state when such a notification is likely to be published?

(*f*) Is the Hon'ble Member aware that at present there is no site or house for the Bar Library to be formed with the opening of the Munsifi at Gopalganj and that it will take some time to obtain Government sanction for taking out the lease of a plot of land and to erect a house thereon for the Bar Library?

(*g*) Are the Government considering the desirability of setting apart a portion of the Court building of the Munsifi or any other Government house there for the temporary accommodation of the Bar Library until a house for the Bar Library is erected?

The Hon'ble Sir ABD-UR-RAHIM: (*a*) (*i*) Yes.

(*ii*) On the 2nd January, 1926.

(*iii*) and (*b*) The Hon'ble High Court recommended the opening of the Munsifi from November, but it was not found convenient to do so.

(*c*) Government have no definite information.

(*d*) Yes.

(*e*) This will be done as soon as possible.

(*f*) Government have no definite information.

(*g*) No such proposal has reached Government. The matter is for the consideration of the District Judge in the first instance.

Alterations in the timings of the trains on the Bandel-Barharwa line.

7. Maulvi ABDUL CAFUR: (*a*) Is the Hon'ble Member in charge of the Department of Public Works (Railways) aware that there have been recent alterations in the timings of the trains on the Bandel-Barharwa line of the East Indian Railway?

(*b*) Is the Hon'ble Member aware that the alterations have caused inconvenience to the travelling public in that locality?

(*c*) Is the Hon'ble Member aware that a representation has been made to the Chief Operating Superintendent, East Indian Railway, for altering the present timings of the trains?

(*d*) Is the Hon'ble Member aware that in the case of some trains, more particularly the day trains, passengers travelling short distances—Bazar Sohu to Dainhat and Salar to Purbasthali—have to be detained at the Katwa Junction for about 3 or 4 hours?

(*e*) Are the Government considering the desirability of drawing the attention of the Railway authorities to the matter?

The Hon'ble Mr. J. DONALD: (*a*) From the published time-table this appears to be the case.

(*b*) to (*d*) Government have no information.

(*e*) The reply is in the negative. There is an Advisory Board to the Railway, to whom representations may be made.

Realization of "taharis" in the Dacca Paschimgaon Nawab Court of Wards' Estates.

S. SHAH SYED EMDADUL HAQ: (*a*) Is the Hon'ble Member in charge of the Department of Revenue aware that the Tahsil officers of the Dacca Nawab Court of Wards' estate and Paschimgaon Nawab Court of Wards' estate, in Tippera, realize *tahari* and other illegal charges from the tenants?

(*b*) Is the Hon'ble Member also aware that the tenants of some ancient zamindars get rid of paying interest by giving *taharis* to the Tashil officers?

(*c*) Is it a fact that the tenants suffer for the realization of both interest and *taharis*?

(*d*) Are the Government aware of the fact that the local newspaper has also many times drawn the attention of the authorities to this matter?

(*e*) If the answer to (*d*) is in the affirmative, will the Hon'ble Member be pleased to state whether his attention has been drawn to this, and, if so, what steps have been taken?

(*f*) If the answer to (*e*) is in the negative, are the Government considering the desirability of inquiring into the matter and redressing the above grievances?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: (*a*) *Tahari* has in the past been realized in the Dacca Nawab's estate. The management of the estate is now under reorganization; the collection of *tahari* has been stopped in one circle and will be stopped in the rest. The collection of such charges is forbidden in the Paschimgaon estate.

(*b*) to (*f*) The questions are vague. It is known to Government that illegal charges are realized by some zamindars or their agents. A remedy is provided in section 75 of the Bengal Tenancy Act, 1885.

Strike of mill-hands of the Bally Jute Mill.

9. Mr. K. C. RAY CHAUDHURI: (*a*) Will the Hon'ble Member in charge of the Department of Commerce be pleased to state what information he has got about the cause of the strike in September last of mill-hands of the Bally Jute Mill?

(*b*) On what terms have the strikers resumed work?

The Hon'ble Mr. J. DONALD: (*a*) and (*b*) In the absence of serious public reasons for doing so, Government are not prepared to publish their information regarding the causes of a particular strike or the terms on which the strikers resume work.

Mileage and daily allowances drawn by members of the Bengal Legislative Council.

10. Mr. TARIT BHUSAN ROY: Will the Hon'ble Member in charge of the Legislative Department be pleased to lay on the table a statement showing the amount of travelling allowance and residential allowance drawn by each non-official member of the Bengal Legislative Council during the year 1924 and in the current year up to the month of June, 1925?

MEMBER in charge of LEGISLATIVE DEPARTMENT (the Hon'ble Sir Abd-ur-Rahim): The member is referred to the replies given to unstarred questions Nos. 12 and 84 at the meetings of the Bengal Legislative Council, held on the 18th February and 14th August, 1925, respectively.

Extension of service of the Inspector-General of Registration.

11. Babu HEMANTA KUMAR SARKAR: (*a*) Will the Hon'ble Member in charge of the Department of Education be pleased to state the reason why the Inspector-General of Registration has been granted an extension of service?

(*b*) Are the Government contemplating the appointment of a junior member of the Indian Civil Service after the term of the present Inspector-General of Registration is over?

(*c*) Are the Government considering the desirability of introducing the Departmental Registrar system in Bengal as it exists in Madras?

The Hon'ble Sir ABD-UR-RAHIM: (*a*) The Inspector-General of Registration has not been granted an extension of service.

(*b*) The question has not arisen.

(*c*) The system was introduced in 1919 in certain districts, but, as it did not prove a success, it was discontinued.

Pay of ministerial staff in the Registration Department.

12. Babu HEMANTA KUMAR SARKAR: (*a*) Will the Hon'ble Member in charge of the Department of Education be pleased to state whether the Government are considering the desirability of revising the pay of the ministerial officers of the Registration Department, which at present begins with Rs. 25 and Rs. 30, respectively, for the posts in the mufassal and the Sadar?

(*b*) Is the Hon'ble Member aware that the starting pay for all other departments is Rs. 40 a month?

The Hon'ble Sir ABD-UR-RAHIM: (*a*) For full information about pay of ministerial staff in the Registration Department the member is referred to the answer given by the Hon'ble Maulvi A. K. Fazl-ul Huq to question No. 60 (*a*) asked by Shah Syed Emdadul Haq at the meeting of the 18th February, 1924. At present Government do not consider it desirable to revise the pay of the ministerial officers of the Registration Department.

(*b*) The starting pay for all other departments is not Rs. 40 a month, but is different for different departments. The scale of pay of the ministerial officers of each department was fixed not only in consideration of the amount of work to be done by these officers, but also of other factors, such as the nature of the work, and the qualifications required of them at the time of recruitment.

Mosque at Mulgao in Faridpur.

13. Dr. MOHINI MOHAN DAS: (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state whether it is a fact that the police have locked up a mosque at Mulgao, police-station Gosairhat, in Faridpur?

(*b*) Is it a fact that the mosque in question is the only mosque in the locality?

(*c*) What is the reason for locking up the mosque?

(*d*) Are the Government considering the desirability of taking immediate steps for opening the mosque for the prayers of the Muhammadans of the locality?

The Hon'ble Sir HUGH STEPHENSON: (*a*), (*c*) and (*d*) It is not a fact. On the 4th September last the police received information that a serious riot would take place over the use of a mosque at Mulgao. The officer in charge of the Gosairhat police-station immediately went to the spot and found the parties prepared to fight. He submitted a report to the Subdivisional Officer, Madaripur, and took steps to see that no breach of the peace occurred meanwhile. Subsequently, a petition of compromise was submitted to the Subdivisional Officer, through the police, by the contending parties, and the Subdivisional Officer thereupon discharged the accused in the 107 proceedings, which were pending before him. The mosque was not locked up by the police nor has it been closed by the Magistrate, but it is at present not being used by either of the parties, pending settlement of their dispute by compromise.

(*b*) The mosque is not the only one in the locality. There are five other mosques within half a mile of the mosque in question.

Settlement operations in Murshidabad.

14. Maulvi ABDUL GAFUR: (*a*) Will the Hon'ble Member in charge of the Department of Revenue be pleased to state whether it is a fact that settlement operations have already commenced in the district of Murshidabad?

(*b*) Is the Hon'ble the Member aware that *aman* (winter) paddy is the only staple food in the Rarh part of Bengal?

(*c*) Is it a fact that the prospect of *aman* (winter) paddy in the district of Murshidabad is not satisfactory this year?

(*d*) Have the Government considered the fact that the drawing of chains on the paddy plants during the course of field survey at the present season will affect the standing paddy?

(*e*) Are the Government considering the desirability of keeping the work in abeyance till the crops are harvested?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: (*a*) Yes.

(*b*) *Aman* paddy is the principal crop in Murshidabad district.

(*c*) The recent district reports show that the prospects of standing crops are favourable.

(*d*) The rules of the Settlement Department provide that care must be taken to avoid damage to crops and other property.

(*e*) Government do not think it is necessary to stop the survey work.

Waiting-rooms at stations on the Bengal-Dooars Railway.

15. Babu NAGENDRA NARAYAN RAY: (*a*) Will the Hon'ble Member in charge of the Department of Public Works be pleased to state whether the Government are aware that there are no waiting-rooms for female passengers attached to the railway stations on the Bengal-Dooars Railway line?

(*b*) Are the Government considering the desirability of moving the Railway authorities for the construction of waiting-rooms for female passengers in the stations situated on the said railway line?

The Hon'ble Mr. J. DONALD: (*a*) The Government have no information on this subject.

(*b*) The attention of the Railway authorities will be drawn to the subject-matter of the question.

Number and amount of awards under the Workmen's Compensation Act.

16. Mr. K. C. RAY CHAUDHURI: (*a*) Will the Hon'ble Member in charge of the Department of Commerce be pleased to lay on the table a statement showing the number and amount of awards made during the first half year of 1925 by the Commissioner administering the Workmen's Compensation Act?

(*b*) What was the nature of accidents for which compensations were awarded?

The Hon'ble Mr. J. DONALD: (*a*) and (*b*) Two statements are laid on the table.

Statement referred to in the reply to clause (a) of unstarred question No. 16, showing cases disposed of and statement of awards made during the first six months (January to June) of the year 1925, by the Commissioner, Workmen's Compensation, Bengal.

Number of applications in Form F and G.—Decided, 7; awards made in 3.

Apportionment in deposit cases.—Decreed, 44; awards made in 43.

Amount paid.—Rupees 41,746-2-9.

Besides the above, 66 out of 68 agreement cases arrived at between the employers and the workmen for the permanent and temporary disablements caused by injuries while on duty have been registered, the total compensation of which is Rs. 17,287-13-6.

Statement referred to in the reply to clause (b) of unstarred question No. 16.

Nature of accident.	Number of cases.
Crushed by falling objects	... 12
Injured by fall	... 9
Drowning	... 8
Injured while handling machinery	... 8
Run over by vehicles	... 3
Other accidents	... 4
Total	... 44

All 44 cases, except one, were fatal.

Commencement of agricultural operations at the agricultural farm at Dinajpur.

17. Babu JOGINDRA CHANDRA CHAKRAVARTI: (*a*) Will the Hon'ble Member in charge of the Department of Agriculture and Industries be pleased to state when the actual agricultural operations are proposed to be commenced at the agricultural farm at Dinajpur?

(*b*) Will the Hon'ble Member be pleased to state what operations are proposed to be undertaken in the beginning?

(*c*) Is the Hon'ble Member aware that a mixed committee of officials and non-officials was formed at Dinajpur who helped the selection and acquisition of lands for the agricultural farm?

(*d*) Is the Hon'ble Member aware that since the land was acquired that committee has never been consulted regarding the construction of buildings or on any other matters regarding the farm?

(*e*) Will the Hon'ble Member be pleased to state what amount was actually spent on the construction of the buildings?

(*f*) Are the Government considering the desirability of having a non-official advisory committee in each district for the promotion and development of agriculture in the districts?

(*g*) If the answer to (*f*) is in the affirmative, will the Hon'ble Member be pleased to state what steps it is proposed to take for the promotion of such a committee at Dinajpur?

MEMBER in charge of DEPARTMENT of AGRICULTURE and INDUSTRIES (the Hon'ble Sir Hugh Stephenson): (*a*) At the end of the current financial year when the construction of buildings is expected to be completed.

(*b*) The cultivation of jute, paddy, sugarcane and fodder crops.

(*c*) Yes.

(*d*) The buildings on district agricultural farms are constructed according to type plans approved by Government. The committee referred to was assembled exclusively for the purpose of the selection of sites for the agricultural farm.

(*e*) Rs. 49,067.

(*f*) and (*g*) The member is referred to the remarks on Agricultural Associations on pages 15-16 of the Report on the Agriculture Department for 1923-24 and in paragraph 7 of the resolution recorded by Government thereon, a copy of which is laid on the library table.

Financial effect of recommendations of the Lee Commission.

18. Rai HARENDRANATH CHAUDHURI: Will the Hon'ble Member in charge of the Department of Finance be pleased to state -

(*i*) what increase in provincial expenditure has resulted from effect being given to the recommendations of the Lee Commission; and

(*ii*) what will be the total annual increase in expenditure on that account?

MEMBER in charge of DEPARTMENT of FINANCE (the Hon'ble Mr. J. Donald): (*i*) The member is referred to the answer given to a similar question asked by Babu Bejoy Krishna Bose on the 17th March, 1925.

(*ii*) It is not anticipated that the ultimate cost will greatly exceed the estimated increase provided for in the budget for the year 1925-26

Hindu communities reckoned as depressed.

19. Dr. MOHINI MOHAN DAS: (*a*) Will the Hon'ble Member in charge of the Appointment Department be pleased to state the names of the different Hindu communities reckoned by Government as depressed at the time of granting special privileges?

(*d*) On what principles is the classification made?

(*c*) Can any member belonging to communities other than depressed be selected to enjoy any special favour exclusively reserved by Government for depressed classes?

The Hon'ble Sir HUGH STEPHENSON: (*a*) to (*c*) I understand that the member refers to preference in appointments to the Bengal Civil Service and other services for which an examination is held annually. He is referred to rules 2 and 4 of the Rules published in Government notification No. 6548 A., dated the 26th June, 1925.

Statement referred to in the reply to clause (b) of unstarred question No. 16.

Nature of accident.	Number of cases.
Crushed by falling objects ...	12
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Drowning ...	8
Injured while handling machinery ...	8
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Total ...	44

All 44 cases, except one, were fatal.

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(*d*) Is the Hon'ble Member aware that since the land was acquired that committee has never been consulted regarding the construction of buildings or on any other matters regarding the farm?

(*e*) Will the Hon'ble Member be pleased to state what amount was actually spent on the construction of the buildings?

(*f*) Are the Government considering the desirability of having a non-official advisory committee in each district for the promotion and development of agriculture in the districts?

(*g*) If the answer to (*f*) is in the affirmative, will the Hon'ble Member be pleased to state what steps it is proposed to take for the promotion of such a committee at Dinajpur?

MEMBER in charge of DEPARTMENT of AGRICULTURE and INDUSTRIES (the Hon'ble Sir Hugh Stephenson): (*a*) At the end of the current financial year when the construction of buildings is expected to be completed.

(*b*) The cultivation of jute, paddy, sugarcane and fodder crops.

(*c*) Yes.

(*d*) The buildings on district agricultural farms are constructed according to type plans approved by Government. The committee referred to was assembled exclusively for the purpose of the selection of sites for the agricultural farm.

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(*ii*) It is not anticipated that the ultimate cost will greatly exceed the estimated increase provided for in the budget for the year 1925-26

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Purchase of publications in the United Kingdom through the High Commissioner.

20. Mr. F. E. JAMES: (*a*) Will the Hon'ble Member in charge of the Department of Finance be pleased to state—

(*i*) whether the attention of the Government has been drawn to the office memorandum No. A. 436 of the Government of India, Department of Industries and Labour, dated the 21st April, 1925, regarding the purchase of publications in the United Kingdom through the High Commissioner;

(*ii*) whether the Government have been invited to participate in the scheme outlined in the memorandum; and

(*iii*) whether the Government have taken any action in the matter?

(*b*) If the answer to (*a*) (*iii*) is in the affirmative, will the Hon'ble Member be pleased to state what is the general policy which has been adopted?

(*c*) If no action has yet been taken, are the Government considering the desirability of giving an opportunity to the Legislative Council of discussing the matter before coming to any decision?

(*d*) Is the Hon'ble the Member aware of the injury which the partial adoption of the scheme is already causing to the retail booksellers in Bengal?

The Hon'ble Mr. J. DONALD: (*a*), (*i*) to (*iii*) Yes.

(*b*) With a view to economy in the purchase of publications published in Europe, Government have decided to take advantage of the scheme and have accepted the invitation to participate.

(*c*) Does not arise.

(*d*) No.

Mr. F. E. JAMES: Is it the intention of Government to continue to give opportunity to local booksellers to tender quotations for publications required by Government?

The Hon'ble Mr. J. DONALD: I must have notice of this question.

Cases of abduction of women from certain districts.

21. Mr. TARIT BHUSAN ROY: (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state how many women were abducted during the years 1923, 1924 and the first six months of the current year from the districts of Rangpur, Mymensingh and Dacca?

(*b*) Will the Hon'ble Member be pleased to state whether the offenders were prosecuted?

(*c*) If so, what was the result in each case?

The Hon'ble Sir HUGH STEPHENSON: (*a*) Government have no materials for answering this question.

(*b*) and (*c*) Abduction is not the specific title of an offence under the Indian Penal Code and it is not clear what classes of offences are referred to in the question.

Rewarding of war-returned men.

22. Babu HEMANTA KUMAR SARKAR: (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state what was the principle and policy followed after the successful termination of the war in rewarding war-returned men, outsiders and those already holding Government posts?

(*b*) Is it a fact that persons enlisted in the army, but who have never crossed the seas and have no proper educational qualifications, have been given posts in the Subordinate Executive Service in preference to the above-mentioned officers?

(*c*) Is it a fact that the records show that some of the ministerial officers who returned from war applied to the Government of Bengal, through their superior officers, for posts in the Subordinate Executive Service, Sub-Registrarships, Excise Inspectorships and for Income-tax Assessorships and their applications were forwarded by their superior officers with strong recommendations, but without success?

(*d*) Will the Hon'ble Member be pleased to state why those applications were not considered favourably?

The Hon'ble Sir HUGH STEPHENSON: (*a*) The principles followed are laid down in Government resolutions No. 2184 P.—D., of the 27th July, 1918, and No. 2706 P.—D., of the 22nd September, 1919.

(*b*) to (*d*) The information asked for is not on record. The attention of the member is invited to the reservations contained in paragraph 4 of the resolution of 1919, to which the principles enunciated were subject.

GOVERNMENT BUSINESS.

Legislative business.

Government Bills.

The Bengal Local Self-Government (Amendment) Bill, 1925.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: I beg to present to the Council the report of the Select Committee on the Bengal Local Self-Government (Amendment) Bill, 1925.

I beg to move that the report which I have just laid on the table be taken into consideration. It will be seen from the report that the members of the Committee were opposed to the abolition of the educational qualifications and that in their opinion the financial advantages which would accrue as a result of the Bill would not be sufficient to justify the Council taking the franchise away from any persons who at present enjoy it. As the House has already been informed, the intention of Government in this small piece of legislation was to introduce uniformity into the qualifications entitling persons to vote for the Local and Union Boards. Our object was to reduce the labour and cost involved in holding these elections and we thought that the advantages which might thereby be obtained, would justify some alteration in the franchise for Local Boards—more particularly, as under one qualification we broaden the electorate although I admit that under another head, namely, the educational qualifications, the electorate would have been slightly reduced.

However, I accept the views of the Select Committee that the Bill should not proceed, and I need not discuss its merits or demerits any further. I, therefore, formally move that the Bill be taken into consideration.

The motion was then put and agreed to.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: I beg to move that the Bill be withdrawn.

The motion was then put and agreed to.

THE BENGAL TENANCY (AMENDMENT) BILL, 1925.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: I beg to introduce a Bill further to amend the Bengal Tenancy Act, 1885.

The Secretary then read the short title of the Bill.

Order of putting amendments on the Bengal Tenancy (Amendment) Bill, 1925.

Mr. PRESIDENT: Before I call upon the Hon'ble the Revenue Member to move the next motion, I would like to point out to the members who have given notice of resolutions for the amendment of the Bengal Tenancy Act, that the Government have already anticipated them by the introduction of this Bill which is a comprehensive one, covering all the points raised in those resolutions. Consequently, under Standing Order 32, by the consideration of the next motion and a decision thereon, any further debate on the proposed resolutions

will be out of order and they will automatically fall through. Therefore, if the members desire to place the views embodied in those resolutions before the House, I think they should do so by availing themselves of the opportunity afforded by the debate on the next motion.

With reference to the subject matter of the motion, I should like to point out to the House that it really consists of four distinct parts, *viz.*—

(*1*) Reference to the Select Committee,

(*2*) Personnel of the Select Committee,

(*3*) Instructions to the Select Committee, and

(*4*) Quorum of the Select Committee.

There are notices of amendments to all of them except the third, namely, Instructions to the Select Committee. To facilitate the consideration of the motion, I proposed to proceed as follows:—

After the general provisions of the Bill have been sufficiently discussed I shall call upon the movers of the amendments who object to the reference of the Bill to a Select Committee at this stage. After those amendments have been sufficiently dealt with I shall call upon the Hon'ble the Revenue Member to reply and then put those amendments to vote. In this connection I should further point out that those members who want to speak on those amendments and also desire to discuss the general provisions of the Bill, should reserve their speeches till those amendments are taken up. If any of these amendments be carried, it will not be necessary to discuss any other part of the substantive motion of the Hon'ble the Revenue Member. If, however, none of them be carried, I shall take all the amendments dealing with the personnel of the Select Committee. After all these amendments have been moved and sufficiently discussed I shall again call upon the Hon'ble the Revenue Member to reply, and then put the amendments in the order they stand upon the Agenda Paper.

I should here make it clear that there is a certain amount of justification for holding that if any of these amendments be carried the other amendments dealing with the same part of the substantive motion, namely, the personnel of the Select Committee, will under Standing Order 35 (*3*) fall through. In this connection I cannot refrain from remarking that the way in which the names for the Select Committee have been sent up by individual members, does not show that the different party leaders have made sufficient attempt for a concerted action even in a serious matter like this. The result might be that none of these amendments by itself would be acceptable to the majority to the House, and so much time of the Council would be lost in discussing them. I should be glad if a stop could be put to this practice which is

of recent growth. What I would like to suggest is that the leaders should put their heads together and hand over to me an amendment containing say six names most acceptable to them. I shall be glad to admit such an amendment even now and put it to the vote first of all.

After disposing off this part of the question, I propose to take up the last batch of the amendments dealing with the constitution of the quorum.

At this stage the Council was adjourned for 10 minutes.

After the adjournment.

The Bengal Tenancy (Amendment) Bill, 1925.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: I beg to move that the Bengal Tenancy (Amendment) Bill, 1925, be referred to a Select Committee consisting of:—Sir Provash Chunder Mitter, Kt., C.I.E., Raja Manmatha Nath Ray Chaudhuri of Santosh, Nawab Bahadur Saiyid Nawab Ali Chaudhuri, Khan Bahadur, C.I.E., Rai Satyendra Nath Roy Choudhuri Bahadur, Maulvi Rajibuddin Tarafdar, Babu Jogindra Chandra Chakravarti, Maulvi Basar Mahammad, Mr. J. M. Sen Gupta, Maulvi Asimuddin Ahmad, Mr. Nirmal Chandra Chunder, Babu Akhil Chandra Datta, Rai Harendranath Chaudhuri, Mr. W. L. Travers, C.I.E., O.B.E., Maulvi A. K. Fazl-ul-Huq, Khan Bahadur Md. Abdul Mumin, Mr. M. C. McAlpin, C.I.E., I.C.S., Mr. H. C. Liddell, I.C.S., Mr. W. S. Hopkyns, O.B.E., I.C.S., and myself with instructions to submit their report in time for its consideration in the February session of the Bengal Legislative Council, and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

Forty years have elapsed since the Bengal Tenancy Act of 1885 was passed. During this long period considerable economic changes have taken place in the Province and the practical working of the Act has disclosed various defects which call for early remedy. Important problems affecting the relations of landlords and tenants have assumed such a prominence as to warrant alterations in legislation. It was in 1921 that Government at the request of the last Council appointed a committee to consider these problems and to report what amendments were needed in the Bengal Tenancy Act. That committee was a large and a representative one and was presided over by that eminent Revenue authority, Sir John Kerr (now the Governor of Assam), and to whom this Government and this Council owe a great debt of gratitude for the patience, energy and ability he brought to bear on the deliberations of that committee. On the committee were three members whose death we must all deplore, viz., Raja Bahadur Ban Behari Kapur, that stalwart but just champion of the order of landlords, Rai Bahadur Surendra

Chandra Sen, remarkable for his inexhaustible and detailed knowledge of the Bengal Tenancy Act and its working, and Sir Asutosh Chaudhuri, the well-known High Court Judge. I must also mention that the committee had the benefit of the advice and services of its very competent and invaluable draftsman, Mr. Tindall, lately Secretary to this Council. I am sure that the hon'ble members will agree with me if they examine the constitution of the committee, that a stronger and more representative committee would have been difficult to constitute and that its report is entitled to the fullest consideration on all hands.

The committee held 43 meetings from the month of August, 1921 to the month of August, 1922 (most of them being long sittings), and evolved a report with a Bill of 125 clauses embodying their solutions of the different problems with which they were confronted and worked them out in all necessary details. Although there were a number of notes of dissent, which in a matter of this complexity and importance dealing with conflicting interests was hardly unexpected, the report can well be accepted as one in which practically all the members agreed in principle. In January, 1923, the report and the Bill were published for public criticism. This it received in full, if not superabundant, measure. Approximately, 1,000 opinions were received, too many to warrant printing in full in view of the redundancy of many of them.

The Government fully considered these opinions and some changes in the committee's Bill were made but the main principles have been left untouched and have been adopted in the Bill just now introduced in Council. The main features of the Bill have been elucidated in the committee's report and explained in the Statement of Objects and Reasons and repetition is unnecessary.

I must, however, refer to two problems of transcendental importance, I mean the problems of the transferability of occupancy rights and of the rights of the actual, and not merely the *de jure*, cultivator of the soil. I need not weary the House with a repetition of the history behind transferability—how it was dealt with up to and in 1885, how the High Court in 1912 drew the attention of Government to the necessity of legislation regarding it and the repeated attempts at solutions,—but I will go straight to the committee's recommendation to make raiyati holdings or shares thereof transferable subject to the payment of a fee, salami or premium to the landlord, thereby standardising in the law the present practice. That is the proposed substantive law and it is perfectly simple.

What must, however, strike every competent observer is that in this province, with transferability made legal in this manner, there is a very real risk of raiyati holdings falling more and more into the hands of non-agriculturists, till the *bona fide* agriculturist is little more than

a serf on the land he once called his own. I am sure the Council will agree with me, whatever their opinion on the merits of the Bill may be, that something definite and certain must be done to prevent such a calamity. The Committee have recommended two solutions of this difficulty which have been adopted by Government in their Bill. The first gives the landlord the power to turn out a non-agriculturist purchaser by giving the landlord power to buy out the transferee—a recognition of the landlord's claim to object to an undesirable tenant being forced on him.

The most important proposal the committee has put forward is that under-raiyats should, except in certain cases, be given occupancy rights against their immediate landlords. This solution also arises from the fact that now-a-days a contingency not uncontemplated at the time of the passing of the Bengal Tenancy Act and a fact elaborated at length in the report of the committee the cultivating tenant for whom the occupancy right was intended has often become a tenant-at-will under the holder of that occupancy right.

The committee state it in their report:

> Under the law as it stands, the occupancy tenant right can only be enjoyed by one person in the chain, and, as the law is not properly adapted to the complicated state of subinfeudation which actually exists, it frequently happens that the occupancy tenant right gets into the hands of the wrong person, and the cultivating tenant who ought to have the right finds himself in the position of a tenant-at-will. It is this limitation of the legal occupancy right to a single individual among the numerous persons who may be interested in the land that is at the root of most of the difficulties experienced in the administration and interpretation of the Act in Bengal, and we are convinced that it is necessary to recast this fundamental provision of the Act, in order to meet the requirements of modern conditions.

Whatever may be said for or against the solution to give occupancy-rights to under-raiyats, it does definitely keep the agriculturists from falling into a state of serfdom. The question, however, is of such difficulty, controversy and importance that I must make it clear that Government are willing to consider any modifications of or any alternatives to the proposal which will secure the essential objects of the protection of the actual cultivator and, in the case of transfers, of preventing the non-agriculturist from debarring him from obtaining occupancy-rights.

The other principles relating to tenants' advantages, *e.g.*, their right to trees, the greater facility of payment of rent by money order, the abolition of the harassing system of realization of rent by distraint, the commutation of produce-rent and those relating to the landlords' advantages, *e.g.*, facility for and simplification of the procedure for the realization of rents, the difficulties of the landlords on account of the existence of co-sharer landlords or co-sharer tenants and other minor matters will be found dealt with in the Statement of Objects and Reasons or the Notes on the clauses. These and the two main principles mentioned before have been exhaustively examined in the opinions received on the Committee's report.

The time for discussing them on paper is now past and the time has come for a round-table discussion of them by a Select Committee of this Council. That committee will have plenty of material to work upon the facts contained in a number of district settlement reports of recent years, the facts, opinions and proposals contained in the Committee's report and the large mass of public opinion obtained on these proposals.

The Bill as framed and now placed before the Council is an honest attempt to find a solution of the several problems. These are very important and difficult enough already and will become more and more difficult, the longer they are put off.

Let me sum up the main position of Government. Government accept the necessity of a change in the law relating to certain matters affecting the relations of landlords and tenants. They put forward the Committee's proposals as an honest attempt to solve a difficult problem—an attempt entitled to the fullest consideration. There is a large mass of opinion on those proposals. It is now the time for a Select Committee of this House to consider them. And, lastly, Government in view of the difficulty and importance of the proposals are willing to consider any alternatives or modifications which are an improvement on them. It is for this Council to make or mar the Bill. I appeal to them to make it.

Maulvi EKRAMUL HUQ: I heard the Hon'ble Member in charge of the Bill speaking on the provisions of the amending Bill. To my mind, from what I have heard from him and from what I have seen of the Tenancy Act (Amendment) Bill that is placed before us, I can only say that the Bill as it stands, is highly unsatisfactory. It does not at all to that extent benefit the tenants as it should. Attempts have been made on the other hand to benefit the landlords; for instance, when the Hon'ble Member has made provisions for giving 25 per cent. to the landlord on transfers he knows it himself that he is giving at least 20 per cent. over what the landlord is getting at the present moment. Does he or does he not know that the tenant in order to evade the payment of the landlord's dues, as provided in the Bengal Tenancy Act, takes recourse to sell a part of his holding keeping only a few chattacks of land to himself thus compelling the zamindar not to have recourse to the Court of Law in order to oust the tenant. Thus, the zamindar gets nothing from these transfers and later on the transferees are tacitly recognized by the zamindars themselves or at the time of Settlement, they are recognized by officers in charge of settlement operations. But, Sir, the tenants generally want that they should have the right to transfer their holdings because in that case they will be able to get much higher prices. The Amendment Bill as placed before the Council provides that on transfers they will have to pay 25 per cent. Is it not a fact known to the Hon'ble Member that there are many places in

Bengal where the tenants are not called upon to make any payment whatsoever. But if this amendment is carried by the Council they will have also to pay a larger sum which, under the law even as it stands at present, they have never been called upon to pay. Further, as soon as the powers are given to the tenantry to transfer their holdings I may take it—and I feel perfectly certain that the whole House will take it—that there will be at least hundred-fold more transfers than at the present moment. Even if Government were to allow the zamindars to have two pice per rupee for the transfers I am sure that the landlords will be able to make much more money than what they are able to get at the present moment. Sir, there are many places where the tenants do not pay more than 4 pice or 2 annas, but Government when they try to amend the law instead of trying to alleviate the suffering of the tenantry are rather harsh to them and compel them to pay much more than what they ever did.

I am sorry, Sir, that I have to make these remarks, for I know that Government from the very beginning when it enacted the Permanent Settlement Laws had reserved to themselves the power to intervene if they found that the tenants' interests were jeopardized, and it is in pursuance of that resolution that Government from time to time are making laws for the benefit of the tenantry. But it is very unfortunate, Sir, that instead of making laws which would actually benefit them, Government is making laws which are generally not to their interest at all. I submit, Sir, that this provision will not be acceptable to the tenantry. I am certainly not for encroaching on the rights of the zemindars, or to disturb the good relationship that ought to exist between them and the tenants. I would stand on the firmest footing of cordiality and I would like that there should be no trouble between the landlords and the tenants, but I do not like as a man to see those persons, who live by the sweat of their brow and who toil and moil hard for a morsel of food, to be hit harder than they are at the present moment. I am afraid that to the utter misfortune of the masses, Government is at the present moment placed in the hands of a class which is averse to the interests of the tenantry and would not do them that justice which any other human being would gladly do.

There is another provision to which the tenantry cannot but object. The zemindars will have the right to eject any person whom they consider to be undesirable. And further, Sir, for this reason they have provided that the zemindars should pay 10 per cent. over to the purchaser and oust the person who has purchased the land from the occupancy holder. Sir, the tenants are generally poor, they have not much money to pay, but the zemindar's money lies idle and hoarded. Any zemindar who wants to take all the land in *khas* will certainly be able to do so by paying 10 per cent. over. If you actually want to check the transfer of holdings to persons who pay a higher amount but put a lower sale price, then the best thing for you to do is to fix at least 25

per cent. as the price to be paid above the purchase money to the purchaser by the zemindar for ousting him. This provision of the Bill will be a fruitful source of litigation also and so this provision ought to be omitted.

Further, Sir, an attempt has been made by the Hon'ble Member to provide rights for the under-tenants. Certainly, every well-wisher of the tenantry cannot but agree to such a proposal. The actual cultivator should have a better right to the land. But, Sir, at places where lands are held in *khas*, not by zemindars but by persons who are actually tenants but who are not able to cultivate the land themselves, it might be that they were at one time the holders of large estates but have gradually dwindled down to poverty and cannot hold the plough themselves, it is not right that because they have given the land to a *bhagidar* you should oust them from the land and give the right to the *bhagidar*. I am afraid this sort of arrangement will not benefit those persons who require to be looked after, but in cases where there are under-tenants who are giving fixed rents to their immediate superior tenants or to jotedar or zemindar certainly we should allow occupancy right to the under-tenant, so that he can have the land to himself. In no case, Sir, those who are not *bonâ fide* cultivators or are landlords or jotedars should have the right to stop under-tenants from getting the occupancy-right. These are some of the provisions about which I have spoken and as I think that other members of this Council would like to speak as to the unsatisfactory nature of other provisions I should not detain the House any longer.

HAJI LAL MAHAMMED spoke in Bengali.

SHAH SYED EMDADUL HAQ spoke in Bengali. The English translation of which is given below:—

The majority of members of this Council are returned by the votes of the tenant class but unfortunately most of us are indifferent to their grievances. I, however, have always supported the interests of the tenants and I believe that tenancy legislation should mainly be directed to promote their interests. The present Bill has been brought in with the professed object of expanding the interests and rights of the raiyats, but how little will it really achieve that purpose? The Bill is like a dead-sea fruit, fine to look at outside but rotten inside. If it is passed in its present shape, it will aggravate the hardships and misfortunes of the tenant class, foster litigation and there will be large sums of money on account of *nazar* deposited in the courts. At present many people are enjoying their holdings without opposition who have paid proper price therefor, though no *nazar* to their landlords. There is no eviction for partial purchase of *jote*. Indeed no old tenant can be evicted unless he utterly leaves his holding. The purchaser pays money by instalments according to convenience and can get his name entered

accordingly. The landlord is content to take what he gets from time to time. But the present Bill puts all sorts of obstacles in the way of these facilities. Every purchaser, while making out a *kabala*, must pay one-fourth of the purchase price as *nazar*. Furthermore, the landlord has the right to institute suits anew to fix the proper price and indeed he can even resume *khas* possession. The tenants in Bengal are uneducated and sadly in want. So, they are often driven to executing bonds which really cover both principal and interest and something more. Such being the case and because at present they cannot sell their rights without the permission of the landlord, the *mahajan* often has to reduce what would otherwise be an excessive claim. The tenants of course ought to be the real owners of lands and the Tenancy Bill should promote this end. But the present Bill by various devices further restricts such right to their holdings as the tenants now possess. Since, the tenant is in justice the owner of his holding, there can be no justification for *nazar* for transferring their holdings. Moreover, if a tenant sells his holding to another tenant, the supremacy of the landlord cannot be impaired by any means. So the law should frankly recognise the right of the tenant to part with his holding to another tenant without any obstacle and without any *nazar*, and also without similar payment of *nazar* or obstacle, construct mosques, tanks, etc., on his holding. He should also be relieved from payment of excessive interest. There should also be a law that holdings less than ten bighas in areas should not be liable to sale for debts, as under the existing law salaries less than Rs. 20 per mensem are not liable to attachment. The provision for increase of rent along with an increase in the prices of crops should also be utterly abolished. For, an increase of the prices of crops means famine or want and cannot certainly be a justification for an enhancement of rent, rather it should be the other way. The present Bill provides for a *nazar* for cutting down trees. What is the justification for this? The tenants made their lands fit for cultivation after undergoing great physical hardships, and they planted the trees. So there can be no justification for *nazar* for cutting down these trees. There are similarly many other objectionable provisions in this Bill which it will take too long to point out. Briefly, however, it may be suggested that, leaving aside all intricacies, some rights should be frankly conceded to the tenants. As President of Raiyats' Conferences in different parts of Bengal I have heard this question discussed often and on the basis of those discussions I sent in an opinion on the previous draft Bill in this Council intended to subserve the interests of the raiyats. Some important questions dealt in therewith were made the subject of a motion in the last few sessions of this Council. In the last session that motion numbering 25 in the agenda of business was prevented from coming up for discussion by an excessive stream of oratory which was indulged in for the purpose. That resolution ought to be taken up at the

beginning of this session but probably it would be objected to because this Bill has already been introduced. We, Bengalis, know only Bengali, but in this Council many just statements might be objected to as unparliamentary, and hence we have to desist from making them. Otherwise, it would have been possible to expose what can be hidden behind these things. The list of members of the Select Committee is also calculated to create alarm, men most actively interested in the matter have not been taken in. The rights of Bargadars have been unduly interfered with in this Bill. In Rangpur, Patiladaha Pargana, etc., big landlords are taluqdars or jotdars. Special conditions prevail in those areas. For those areas special provisions may be made in the law having regard to the purposes of the Barga system. But where conditions are different, where ordinarily poor but respectable people who cannot secure service are making a living by letting out their holdings on the Barga system, such a provision for accruing rights to the Bargadar cannot at all be beneficial. Its effect will be extremely mischievous and it would foster strife and litigation. Many lands will lie untilled and those who used to till Barga lands, unable to secure lands for this purpose and unable to find a living in their villages, will go to the hills and jungles and die untimely deaths. In the draft Bill previously a similar proposal for Barga holdings led to many holdings in the country being left untilled. I explained the situation at that time to the Hon'ble Member in charge and necessary redress was forthcoming. Otherwise, serious injury to the country would have ensued but now the old policy is being reverted to. Briefly, the basis of this Bill is not the interest of the raiyats. So it is not proper that this Bill should be accepted and committed to a Select Committee. I shall explain that when I move Resolution No. 27 in my name. Before sitting down, let me remind the members that they have been returned to this Council mainly by the votes of the tenants, because they pledged themselves to secure their convenience in various ways. To forget those pledges now is treachery. Let those who will be members of the Select Committee remember this specially.

MAULVI RAJIBUDDIN TARAFDAR spoke in Bengali. The English translation of which is given below:—

After 40 years of earnest prayer offered by the raiyats of Bengal for the amelioration of their condition Government has at last condescended to make some provision in that direction for which I am really thankful. But I am very sorry to say that the Bill which it is intended will better the condition of the raiyats will really do nothing. Is it becoming on the part of those who govern the country to grind the tenants more and more for the advantages of the rich? The proposed Amending Bill will, in reality, make the condition of the tenants worse as the changes are inequitable and in spite of the many advantages enjoyed by the landlords under the old Act the amendment

will make the landlords enjoy more. Under the old Act the raiyats had fewer advantages, but in the proposed amendment the liberty of the raiyats is further curtailed. In the proposed amendment the under-raiyats are said to be getting more rights but the rights which they are going to obtain will be squeezed out of the hard-earned labour of the raiyats; the zemindars are not affected in the least. Under-raiyats holding under the raiyats have got rights, but not so the under-raiyats under the zemindars within the municipal area. In conclusion I entreat all the members whether Swarajists or Nationalists or Moderates that they should all combine to form a committee and devise means as to how best to benefit the raiyats.

(Here the Hon'ble the President asked the speaker to confine himself to the main principles of the Bill and not to discuss the motion for referring it to a Select Committee, in the vernacular.)

Mr. B. N. SASMAL: On a point of order. Can the President speak in Bengali when he knows English?

Mr. PRESIDENT: When I am speaking to a member who addresses the House in Bengali and not in English I think it would be better if I also expressed myself in Bengali as I am a Bengali.

Maulvi SAYYED SULTAN ALI: I rise to a point of order. Is the Permanent Settlement under discussion?

Mr. PRESIDENT: The Tenancy Act involves general principles. If the member strays too much away I will stop him.

At this stage the Council was adjourned for 15 minutes.

After the adjournment.

Babu JOGINDRA CHANDRA CHAKRAVARTI: I desire only to offer a few remarks, a few general remarks, regarding the Bill under consideration. I do not propose to enter into the specific provisions of the Bill at this stage. There is absolutely no doubt that during the last 40 years, since the Bengal Tenancy Act was passed in 1885, various changes have taken place in the conditions of the tenure-holders, the raiyats and the under-raiyats, and at the present moment there can be absolutely no doubt that a change in the law has become a matter of impending necessity.

Sir, in looking at the Bill which aims at amending the provisions regarding which changes seem to be desirable, I would respectfully ask the members of this House to consider very carefully as to whether the provisions that have been made do really make such changes as would establish cordiality between the landlords, the tenure-holders, the raiyats and the under-raiyats. There is absolutely no use in making a secret of the fact that there has been a good deal of difference

of opinion as to what should be the status of these different classes of tenants, viz., tenure-holders, raiyats and under-raiyats. The Hon'ble Member in charge in the course of introducing the Bill tells us that an attempt has been made to rectify some defects in the law, as for instance, the law of transfer of occupancy raiyati holdings. With regard to that matter, I would only say this at this stage that the test that should be applied for the purpose of considering as to whether the provisions that are being made in the Bill are sufficient or as to whether they will really serve the purpose for which the provisions are introduced. There is another matter which strikes me and it is this: During my experience regarding the working of the Bengal Tenancy Act as a lawyer and as a private person, I have seen that the present provision or rather the absence of any provision regarding transferability has been a fruitful source of endless litigation between landlords and tenants; and if we are really anxious to stop this litigation between them we must be prepared to make adequate provision regarding the right which the tenants claim on their behalf. Looking at the provisions of the Bill, however, it seems to me that instead of stopping litigations the provisions, if passed into law, will perhaps add a good deal to the number of litigations which we already have in the country. Then, Sir, with regard to the rights of tenure-holders. So far as I have been able to glance through the provisions of the Bill it does not seem to me that adequate provisions have been made for the protection of their rights more especially of those tenure-holders who at the present time are classed as non-permanent tenure-holders. Then with regard to the raiyats and under-raiyats, certain provisions have been made no doubt. But it will be the duty of those who will be in the Select Committee to consider very carefully as to whether those provisions are adequate and sufficient and whether there has been an attempt at adjustment—a cordial adjustment made in the relationship of raiyats and under-raiyats. There is one thing which strikes me and that is the omission of a certain provision which was introduced in the last amending Act—I mean the Act which was passed in August 1923. Section 183 A of that Act—if I remember rightly—which aims at giving certain fixity of tenure to certain tenure-holders in the District of Rangpur with the additional proviso that in certain other districts also if the Government thought fit those provisions would be introduced by notification—has been omitted from the present Bill. I do not know the reason why, and it seems to me that it is a striking omission. Sir, at this stage I will ask the hon'ble members of this House to consider the provisions very carefully and to see as to what can be done for the purpose of improving the status of tenure-holders. There is another matter which concerns the interest of a large majority of tenants and small landlords and that is the principle of commutation. That also requires very careful consideration. With regard to the rights which the Hon'ble Member in charge says have been given to the raiyats—

rights for which there has been a good deal of clamour and in regard to which many amendments were introduced during the last session of the Council and I understand various amendments are also on the agenda paper in the present session—that certain rights have been provided for is true but at the same time certain other restrictions have been laid down which to my mind seems to be taking away the rights very considerably. There is another matter which is also of vital importance—vital both to the landlords and to the tenants and that is the question of the enhancement of rent. Under the present law as members are aware enhancement of rent can be claimed by the landlords for the rise in prices of staple food-crops. That is a provision with regard to which there has been an insistent cry on the part of the tenants for its entire repeal. That is a matter again which deserves the consideration of the members of this House. These are generally the principal features with which the members of the Council will have to deal with when the Bill will be taken section by section and clause by clause. One thing which I would most strongly request the hon'ble members to consider would be this: Whatever we may do we must remember that we are doing it in the interests of those—to the real benefit of those for whom they are intended. It would not do merely to make certain provisions which would look very well on paper but in practice may be found to entirely frustrate the object with which those provisions are sought to be made. Another point to which I would draw the attention of the Hon'ble Member in charge as well as those interested in the matter to remember is this: That litigation must be stopped as far as possible by making suitable provisions in the Bill and fixing the law regarding the relationship of tenants and landlords and that is a feature which, I am afraid, has not been carefully considered in the present Bill now before the Council. With these observations I resume my seat.

Maulvi SAYYED SULTAN ALI: The question before the House is one of utmost importance and it is one which concerns the people of this Province generally. It will affect almost every person owning or occupying lands. So, if the amendment of the Bengal Tenancy Act may be made in such a manner as to do good both to the tenants and the landlords it will do a real good to the country. If we fail to do that, the result will be that tension of feeling between landlords on the one side and the tenants on the other already existing will be more acute and will do incalculable harm and for a very long time. As almost all the hon'ble members are anxious to discuss it and as I have got a very limited time at my disposal, I will only touch a few points of the Bill. The first point that I will take up is the status of the occupancy raiyats and then the question of transferability, enhancement of rent and a few other points. Occupancy raiyats, as far as I understand, are persons who have brought lands under cultivation, of course in some cases with

the assistance of landlords. But they were the primary persons who brought lands under cultivation. But the law, as it stands at present, does not allow the occupancy raiyat to sell the lands of his holdings. But although it is not allowed by law under certain rulings and under certain customs lands have already been sold. For instance, if an occupancy raiyat sells a portion of his holding the landlord has no right to eject him. If a raiyat after selling his holding takes a sub-lease in that case also the landlord has no right to eject him. Taking advantage of these rulings of the Hon'ble High Court lands are already transferred. But the practical result is that there is a restriction of selling his entire holding to a person in which case the landlord is entitled to eject the purchaser and the difficulty is that the tenant at the time of selling his holding does not get proper price. The Bill has made sufficient provision for transfer of occupancy holdings but in making that some provision has been added which to me seems to be more anomalous and is likely to create more difficulties in the way of transfer and possession of lands by the purchaser as well as the occupancy raiyat and that is this. The first condition is that as soon as a tenant sells his property he will have to pay a premium of 25 per cent. of the consideration money to the landlord. At the sametime the landlord has got another option. He may accept that money but if he be unwilling to accept it he has the option of enforcing his right of pre-emption.

As far as I can understand the right of pre-emption by the landlord should be abolished because that will give a strong handle to the landlord to make more lands *khas* as soon as transfer takes place. Some of my friends have remarked in this connection that the landlord's money has been hoarded. I do not go so far. My point of view is that the landlord is in a better pecuniary position to exercise the right of pre-emption and by that process of law in the course of time the landlord will be able to take in *khas* possession almost all the lands. And what will necessarily happen? The landlord will let out the lands at a considerably higher rent. Consequently instead of giving some advantage to the tenant, who is now occupying the land, his position will be made more difficult, because under the existing law the tenant gets the land under certain conditions and he is protected from ejectment, but under the law as proposed in the Bill, as soon as the landlord gets the right of pre-emption, he will take the land in *khas*. That is a position to which I take exception and it should be done away with.

Next, the premium of 25 per cent. will be too high. Some of my friends have suggested 2 per cent and 25 has been suggested in the Bill. I think 10 per cent.——

Mr. PRESIDENT: That is a matter of detail. You should not go into these details.

Maulvi SAYYED SULTAN ALI: These are my general observations regarding the provisions of the Bill and my suggestion is that 10 per cent. should be quite sufficient for the landlord. The landlord will get the rent as usual, the enhancement of rent will continue as before, at the same time he will get 10 per cent. as premium. If we go back a little to the period before the Permanent Settlement, what do we find? Then the landlords were given 10 per cent. exclusive of collection charge for their appropriation and the rest used to be paid to Government. So 10 per cent. is not in any way insufficient.

There is another thing. So far as the occupancy rights are concerned, there are provisions in the present Act as well as in the Bill for enhancing the rent. Rents are enhanced on these grounds—*firstly*, for rise in the prices of the staple food-crop; *secondly*, for the prevailing higher rent in the neighbouring areas; and *thirdly*, for the improvements made by the landlord. First of all my suggestion regarding improvements by landlords is that no landlord should be entitled to any enhancement on the ground of improvement unless and until the improvement is registered. I am a mufassal pleader practising for upwards of 20 years and I have seen that although no improvement has been made by the landlord, the landlord being in a favourable position to create papers and procure witnesses obtains decrees against the helpless tenants. If the landlord makes any improvement in the land, the benefit of which is derived by the tenant, let the landlord get this improvement registered in the Civil Court. In that case no injustice may be done by the landlord to the tenant. Another point which I like to discuss is that enhancements on all these grounds may be made simultaneously under the present law as well as under the proposed Bill. In many cases simply on the ground of rise in the price of staple food-crop, the landlord has been awarded an increase from 10 pies to 8 annas per rupee. In addition to this if a tenant has to bear an enhancement of rent on account of landlord's improvement and on account of higher rent prevailing in neighbouring lands, the enhancement sometimes becomes more than double. So there ought to be a provision in the Bill whereby on no account there shall be an enhancement of more than two annas per rupee at a time. There is another difficulty with regard to the present system of enhancement. The law says that if the Court thinks that an enhancement granted to a landlord at a time would cause hardship to the tenant, the Court may make it gradual, but this discretion is very seldom exercised by the Courts in favour of the tenants. In that section instead of giving the Court discretion by the word "may" I think the word "shall" should be substituted.

Mr. PRESIDENT: You are again going into details. I cannot allow that.

Maulvi SAYYED SULTAN ALI: Very well, Sir. There is another difficulty. Neither in the present law nor in the proposed Bill there is

any clear provision that the rent of an occupancy raiyat shall not be enhanced if the quality of the land deteriorates. There is no clear provision to this effect. There ought to be a provision like that. Then I pass on to the position of under-raiyats. The consideration of the position of under-raiyats has become a crying necessity at the present time. The raiyats of our province now-a-days—many of them at least—have lost their lands and become under-raiyats and some of them have taken the position of middlemen; and the number of under-raiyats has become so large at present that I have been considering for about last 10 years to give them certain rights—the right of occupancy. Of course, in Settlement proceedings in many places such rights have been given to under-raiyats according to the customs prevailing in those places, but there should be clear provisions to this effect in the Bill. One thing which strikes me and to which I take exception is this—the present Bill says that although under-raiyats will have a right of occupancy, they will get no protection from the operation of section 167 of the present Bengal Tenancy Act. If the under-raiyats are given the status of occupancy raiyats, they must get such a protection; otherwise it becomes meaningless. So my suggestion is that protection from the operation of section 167 of the Bengal Tenancy Act should be given to the under-raiyats; but it might be said what will happen to a purchaser if the raiyat taking premium lets out the land at a low rate of rent. In that case my suggestion is this that if the under-raiyat on the extinction of the raiyat's interests pays a fair and equitable rent to the purchaser, no body suffers any loss. At the same time the rights of the under-raiyats will be safeguarded.

Babu AKHIL CHANDRA DATTA: I was inclined to give my ideas about some of the provisions regarding the status of under-raiyats, but I have later decided advisedly not to speak now. If the Bill is thrown out, it is no good discussing it and if on the other hand the Bill is referred to a Select Committee, we shall have ample opportunity, and that will be the proper time, for discussing these provisions. For this reason I abstain myself from discussing them.

Mr. MAHBUBUL HUQ: We have met here to discuss the Bengal Tenancy (Amendment) Bill which is of vital importance for adequately safeguarding the interests of the poor tenants. When the Permanent Settlement came into existence in this land, at that time the country was in a chaotic condition and the Settlement took place between the power which was then in existence and the zamindars, and the poor raiyats—the dumb millions—could not send their representatives and whatever decision was arrived at it was an *ex-parte* decision—the interests of the poor raiyats being totally thrown to the background. Nobody was there to safeguard the interests of the poor raiyats. Such is the history under which the Permanent Settlement came into being

and whatever law or enactment took place, of course the poor raiyats' representatives were conspicuous by their absence from the deliberations in the Council Chamber. Therefore, after four decades, labouring under many disadvantages and disabilities the poor raiyats through their representatives in this Council Chamber are looking forward for a golden opportunity for having their grievances redressed, and it is for us to see that their interests are adequately and properly safeguarded in the new amending Bill. Whatever improvement we suggest for the betterment of the poor raiyats that is naturally looked upon with some amount of suspicion by the zamindars as if it is an invasion upon their vested interests. Therefore, we the representatives of the people in this Council Chamber should first of all look to the interests of the raiyats because they outnumber the zamindars, whose number may be counted on fingers' ends. We must look to the interests of the raiyats on this principle—the greatest good to the greatest number. Therefore, Sir, now that an opportunity has presented itself we should utilise it for seeing that the many disabilities under which the raiyats are labouring should be removed and adequate provision made in the Bill for this purpose. These are all the observations that I should like to make at the present moment.

Mr. PRESIDENT: I think the general provisions of the Bill have been sufficiently discussed. I now call upon the movers of the amendments, who want the Bill to be circulated for the purpose of eliciting public opinion, to speak

I now call upon Shah Syed Emdadul Haq to move his motion.

SHAH SYED EMDADUL HAQ moved by way of amendment that the Bill be circulated for the purpose of eliciting opinion thereon by the 15th January, 1926.

He spoke in Bengali. The English translation of which is given below:—

I have pointed out some of the faults of the Tenancy Act Amendment Bill which though it purports to improve the position of the tenure-holding raiyats is not really calculated to benefit them. The Bill deals with a subject in which almost all men in Bengal have an interest, and as such it ought to have been referred to the Select Committee after consulting the constituents. As we have seen, even my Bill relating to the Muhammadan marriage registration, which was an insignificant affair in comparison with the present Bill, was not referred to a Select Committee, but reserved for reference to a special committee in consequence of opinions expressed on it.

It might be said by Government that a great deal of opinion with regard to the Bill was received when it was being drafted by the committee. I admit it. I myself sent a separate opinion on it and ascertained in reply to a question to the Government member that

many opinions with regard to it had been received. But the draft of the present Bill and the draft under the consideration of the committee are not identical in content and opinion was expressed on it simply as a draft in preparation, without any thought that the same was going to be introduced in the Council. When it has been brought before the Council, special opinion with regard to it should have been taken. It may be further urged by Government that the Select Committee will consult the opinions already received. But the old draft has not been retained; moreover, fresh opinion might be expected in consequence of longer acquaintance with the problem. What is the object of such precipitancy? Government may easily get it passed in next February or March if they want to do so.

I have heard a gentleman coming from the same class from which I come, express the opinion that this Bill safeguards the interests of the landlords and it being now the golden opportunity for passing laws advantageous to the landlords, no time should be lost in getting the Bill passed and that my motion was improper. Public opinion wants that the Bill should be circulated for opinion and I am bound to express the truth about it, although the majority of the members are against such a proposal.

Further, the personnel of the Select Committee is also a matter for consideration; as we find that the agriculturists are very insufficiently represented on it. This topic may appear to be irrelevant in this connection, though it is not really so, but I shall deal at large with it, when the subject comes up for discussion.

In conclusion, I submit that the foundation of the Bill is weak and as such no hope of permanent benefit can be built up on it and it ought not to be referred to the Select Committee.

Babu AMULYA DHONE ADDY: I beg to move by way of amendment that the Bill be circulated for the purpose of eliciting public opinion thereon within one month of the passing of this motion in Council.

It appears from the speech delivered by the previous speaker, Shah Syed Emdadul Haq, that he also is in favour of the Bill being circulated to the public for eliciting public opinion, but there is this difference between his motion and that of mine—that whereas he wants to have the opinion of the public by the 15th January next, I ask for that opinion within one month from this date, namely, by the 3rd January next. There is another difference between his motion and that of mine. He opposes the reference of the Bill to a Select Committee while I, on the contrary, support it. My object, Sir, is to be favoured with public opinion on this matter before the Bill is taken into consideration by the Select Committee.

Mr. PRESIDENT: You are moving an amendment which is against the motion of referring the Bill to a Select Committee.

Babu AMULYA DHONE ADDY: I am moving it as a rider.

Mr. PRESIDENT: Then I am afraid you are out of order.

Babu AMULYA DHONE ADDY: If that be the case I will move my amendment as it is. Sir, I have gone through the provisions of the Bill and I have heard the speeches delivered by some members of the Council. It appears that some are of opinion that the tenants will not be benefited by this Bill, while others are reported to have said that the landlords will not be benefited thereby. My humble submission is that if we are to amend the Bengal Tenancy Act we must have such a Bill the provisions of which should benefit not only the tenants but the landlords as well. I agree with some members of the Council who are advocates of the poor raiyats and think that they should be allowed to excavate tanks and erect buildings in their holdings even without the permission of their landlords. At the same time I am strongly of opinion that the tenants should not be allowed to take undue advantage of the landlords. The landlords should be allowed to charge a fair and equitable rent on their tenants for the occupation of their holdings. That is the reason why I beg to submit that we should in this matter be guided by public opinion.

Sir, it has been said that Government have decided that this Bill will be taken into consideration in the February session of the Council. I beg to submit that if my suggestion is accepted it will not stand in the way of Government's doing so, because we can then have the opinion within one month from now, and after that it may be referred to a Select Committee. It has been said that in the year 1923 a very large body of opinion was asked for and collected and it was taken into consideration by a Special Committee referred to in the Statement of Objects and Reasons. It has also been admitted by the Hon'ble Member in charge of the Bill that some modifications have been made in the present Bill since then. I beg to submit that these modifications are material and that is why I am strongly of opinion that the Bill should be circulated for eliciting public opinion thereon. With these remarks I beg to move the amendment which stands to my name.

The following motion standing in the name of Babu Satya Kishore Banerjee was called but not moved:—

> "That the Bill be circulated for the purpose of eliciting opinion thereon before the next session of the Bengal Legislative Council".

Maulvi TAYEBUDDIN AHMED: May I be allowed to speak, Sir?

Mr. PRESIDENT: I think you have already spoken once before.

Maulvi TAYEBUDDIN AHMED: I do not want to make a general speech but as an amendment has been moved, I am going to oppose it.

Mr. PRESIDENT: In that case you should not have spoken on the general provisions of the Bill. I should draw your attention to what I said previously that those members who wished to speak on the amendments as well as on the general provisions of the Bill should have reserved their speeches till the amendments are called. You cannot be allowed to make two speeches on one debate.

Khan Bahadur MAULVI ABDUS SALAM: I oppose the motion of my friend, Babu Amulya Dhone Addy, in which he asks that the Bill be circulated for eliciting public opinion. Sir, this Bill has been hanging fire for the last three or four years and it was once referred to a Select Committee in a previous session of the Council and the Select Committee amended the Bill and it was published but no action was taken by Government. Since then the members of this House have again and again asked Government for the introduction of this Bill and also why it was being shelved, and now that the Bill has been introduced in the Council the same plea has been taken that the Bill should be republished and circulated among the public for their opinion. If this be done the result will be that the Bill will be moving in a vicious circle. The public would suggest some change in the Bill and the Select Committee would also effect some changes, and when it was ready for discussion some members would perhaps get up in their seats and ask for fresh opinion of the public! So that there would be no finality and the thing would go on for another lifetime of the Council. Therefore, I most strongly oppose the motion for circulation in order to elicit public opinion.

Maulvi EKRAMUL HUQ: Is it your ruling that those members who have once spoken on the general provisions of the Bill should not be allowed to speak on the amendments thereto, although the amendments are quite separate things?

Mr. PRESIDENT: It is like this: I pointed out to the hon'ble members before I called upon the Hon'ble the Maharaja to move his substantive motion that the members who wanted to speak on the general provisions of the Bill as well as on the amendments—I referred to the amendments now under discussion—should reserve their speeches till the amendments were called. After hearing that from me I do not think a member who has spoken already on the general principles of the Bill should claim to have a double hearing of the House.

Maulvi EKRAMUL HUQ: May I point out to you, Sir, that I did not request you to direct me to speak on the general discussion of the Bill, but you have done so on your own accord, I do not think it will be fair to stop me from speaking on such an important amendment.

Mr. PRESIDENT: I am afraid I cannot allow you to speak again on this motion.

Dr. M. W. R. MORENO: May I be permitted to oppose the two amendments of Babu Amulya Dhone Addy and Shah Syed Emdadul Haq, for the circulation of this Bill in order to elicit public opinion thereon? We have been told that the Bill has been over two years before the public: we have also been told that the Bill has already been circulated for public opinion in Bengal, and that these public opinions are with the Government. The time has now come for definite action. There is an outcry all round Bengal for doing something real for the welfare of the tenants. To cast this matter back once more to the public will only be another way of deferring matters. Some have said that the tenants have not really been benefited; while others have said that the landlords have not been benefited; but all this I think can be very adequately decided in the committee that will be formed. These are matters which do not really justify the circulation of the Bill for public opinion; on the contrary, they are such as can very properly be decided in the committee stage. I, therefore, with the greatest emphasis say that while every body has been crying out for something to be done for the tenants we should not endeavour to postpone matters to another session. I hold that action, immediate action, should be taken in the matter.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: The discussion on this subject has been interesting and fruitful of suggestions in proportion to the importance of the subject, but necessarily very diverse on account of its controversial nature. Some members have contended that the present proposals will lead to litigation. If they merit this reproach, then it will be for the members of the Select Committee and for the Council to remove it. I cannot help, however, drawing attention to the three main principles which however have been kept in view and in which the Select Committee has striven to prevent this. First and foremost, the main principle regarding "transferability" has been adopted with a view to avoiding the large mass of litigation—direct and indirect—there is already on the subject. Second, the word "custom", that fruitful source of litigation, has been removed as far as possible from the Act. And thirdly, the proposals in the Bill preserve one cardinal principle of the Bengal Tenancy Act, that a tenant should not be worried by the multiplicity of suits by different co-sharers or joint landlords. So, I do not think that there is very great fear of increasing litigation; if there is, I suggest that it is for the Select Committee to try and remove it, as far as possible. Government rely very much on this Council for a proper solution of this problem, and therefore it is up to this Council to improve on the proposals. I would repeat that we have made an honest attempt to solve the problems.

Now, amendments have been moved by my friends, Shah Syed Emdadul Haq and Babu Amulya Dhone Addy, for circulation of the Bill for eliciting public opinion. My answer to the amendments is

very brief. The Bill is substantially that framed by the Committee. There is a great mass of public opinion already collected on the Committee's Bill and here is this formidable mass—(the Hon'ble Member exhibited the volume). They are being put in order for the use of the Select Committee who will receive—

(*1*) copies of the Committtee's report and the Bill;

(*2*) copies of the printed opinions on it; and

(*3*) copies of broad-sheets containing the Government Bill, clause by clause, the corresponding clause of the Committee's Bill and the opinions thereon.

We have, however, had more than enough of writing on the subject, and the time has now come for a round-table discussion by a Select Committee of this Council. All this I, however, made absolutely clear in my opening speech. I therefore oppose these amendments.

Mr. PRESIDENT: The question before the House is that the Bengal Tenancy (Amendment) Bill, 1925, be referred to a Select Committee consisting of Sir Provash Chunder Mitter, Raja Manmatha Nath Ray Chaudhuri of Santosh, Nawab Bahadur Saiyid Nawab Ali Chaudhuri, Khan Bahadur, Rai Satyendra Nath Roy Chaudhuri Bahadur, Maulvi Rajib Uddin Tarafdar, Babu Jogindra Chandra Chakravarti, Maulvi Basar Muhammad, Maulvi Asimuddin Ahamad, Mr. J. M. Sen Gupta, Mr. Nirmal Chunder Chunder, Babu Akhil Chandra Datta, Rai Hareudranath Chaudhuri, Mr. W. L. Travers, Maulvi A. K. Fazlul Huq, Mr. M. C. McAlpin, Mr. H. C. Liddell, Khan Bahadur M. A. Momen, Mr. W. S. Hopkyns and the Hon'ble Maharaja Bahadur of Nadia, with instructions to submit their report in time for its consideration in Council in the February session of the Bengal Legislative Council, and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

To this, the following amendment has been moved, namely:—

That the Bill be circulated for the purpose of eliciting opinion thereon by the 15th January, 1926.

The question I have to put is that that amendment be made.

On declaring that the "ayes" had it, Shah Syed Emdadul Haq asked for a division.

Mr. PRESIDENT: Will the hon'ble members, who have claimed a division against my direction, kindly rise in their places?

The Secretary will please take down the names of the members who are opposed to the motion.

Shah Syed Emdadul Haq only rose.

The motion was declared to be lost.

Mr. PRESIDENT: I will now take up the next part of the original motion. I ought to point out that the motion of Babu Amulya Dhone Addy being almost identical with the motion just disposed of, that motion will be deemed to be withdrawn.

Maulvi EKRAMUL HUQ: I rise to a point of order.

Mr. PRESIDENT: I would refer you to Standing Orders Nos. 32 and 33. Standing Order 32 says that a motion must not raise a question substantially identical with the one on which the Council has given a decision in the same session. Order 33 says that where substantially identical motions stand in the names of two or more members, the President shall decide whose motion shall be moved, and the other motions shall thereupon be deemed to be withdrawn. Before you question any ruling of the President, it is only fair at least to the President, that you should yourself study the rules. I now take up the next part of the question, namely, the personnel of the Select Committee.

Maulvi EKRAMUL HUQ: I beg to move that in the motion of the Hon'ble Maharaja Bahadur, of Nadia after Mr. W. S. Hopkyns, the following be inserted, namely:—

Babu Hemanta Kumar Sarkar.
Shah Syed Emdadul Haq.
Maulvi Zannoor Ahmed.
Maulvi Ekramul Huq.

Sir, when I looked into the original motion moved by the Hon'ble Member for Government I was disposed to congratulate my Swarajist friends for being the most successful wooers, for I could immediately guess that they have been able to catch the eye of the Hon'ble Member to such an extent that they were able to put in as many persons of their party as they liked. It might also be, Sir, that the Hon'ble Member himself wanted the Swarajist sympathy in pushing the amended Act through the Council for being himself a representative of the zemindars and one of the biggest landlords himself, it was to his interest to secure as much benefit to his class as possible.

Rai HARENDRANATH CHAUDHURI: I rise to a point of order. Is Maulvi Ekramul Huq entitled to make such reflections on the Hon'ble Member in charge his personal position and status as a zemindar?

Mr. PRESIDENT: I did not hear to what Maulvi Ekramul Huq said. But if he did say anything objectionable, I think, the Maharaja Bahadur himself would have taken objection.

Maulvi EKRAMUL HUQ: The Select Committee which is proposed by Government consist of the biggest zemindars and landlords of the province and it is to their interest that the Tenancy Bill as placed

before the Council be passed into law. It benefits them to the greatest extent. This Bill that the Government has brought before this Council aims to lay the axe at the root of the prosperity of the tenantry of this province. Besides, Sir Provash Chunder Mitter, Raja Manmatha Nath Ray Chaudhuri, Nawab Bahadur Saiyid Nawab Ali Chaudhuri and Rai Satyendra Nath Roy Chaudhuri Bahadur there are others who belong to the zemindar class. Was it not right for Government, if they had the least grain of commonsense, to see that the representatives of the people were also represented in the Select Committee? Regarding the Muhammadan members Maulvi Rajib Uddin Tarafdar, Maulvi Basar Muhammad and Maulvi Asimuddin Ahmad, I have nothing to say; but was it not the duty of the Hon'ble Member to see that the other members of this Council who have taken continued interest in the framing of a law for the tenantry since the formation of the First Reformed Council were represented in the Select Committee? I do not understand what made the Hon'ble Member to keep them out. Was it because he was asked to do so by some party or some zemindars? I understand that he did consult the leaders of a particular party. I am afraid, Sir, this was a thing which the Member for Government ought to have refrained from doing and particularly when the Government is out to do good to the people in general why should the Hon'ble Member for Government go to the Swaraj party alone for opinion and why should he take the greatest possible pain to insert their names only. Is it not a known fact that it was at the instance of the Swarajists that he very unwisely had to put off this Bill? He himself admitted before some of the members that the Swarajya leaders and he were of opinion that it was not the opportune time to bring in the Bill and so the Bill was not brought before the Council though I and other members persistently prayed for it.

We, members of the Council, even of the first Reformed Council, insisted that Government should immediately bring in a Tenancy Amendment Bill. Government did not listen to us then. The present Council was begun more than two years ago and since then we have been persistently asking Government to bring in an amending measure. The Hon'ble Member ought to have done it before. Did he not know that by delaying the measure, he was allowing sufficient time to the landlords to try to take all the advantages over the tenants and to make the amendments a nullity? He did know it but he was sleeping over the matter which was of vital interest to the masses. It was a very reprehensible act when the people at large depend on Government for protection. Government should not allow themselves to be so pliable as to keep away a beneficial measure from operation. They should remember that that does not create confidence in the minds of the people who would think that Government even though they had the power to do good to them, had not the courage to introduce a Bill at the proper time because they were too weak-kneed.

Sir, as regards the constitution of the Select Committee was it not the duty of Government, when this amending Bill was introduced, to get some men in the Committee who could ventilate the views of the tenantry? Even if they were not told so they of their own accord ought to have brought in the right persons. The Hon'ble Member has chosen persons for the committee who do not know English.

Mr. PRESIDENT: Mr. Huq, you are not moving an amendment for the omission of certain names from the personnel of the Select Committee. In that case I do not think it is proper for you to refer to any individual member of the proposed committee who do not know English.

Maulvi EKRAMUL HUQ: Sir, my submission is this: The Tenancy Act will be enacted in the English language and the members who will consider the Bill should know the language. I do not mean any reflection to any member. I do not object to this man or that man. All I want to say is that there should be right persons in the committee who would know the import of English words and would at the same time represent the cause of the tenantry.

Sir, are we to understand that this Government is not a Government for the people? Are we to understand that this reform is nothing but a sham and that the Viceroy——.

Mr. PRESIDENT: Mr. Huq, you need not bring in these larger issues. Please confine yourself to your amendment.

Maulvi EKRAMUL HUQ: I submit that it is high time that Government should know that Government ought to be for the people and not for any particular class. Sir, I have suggested a few names. I do not say that these particular persons you ought to take. Take anyone who could properly represent the tenants. All I say is that there should have been in the committee men who would represent the views of the tenantry. The Hon'ble Member's action was quite reprehensible in this matter. He has been in the Council and he knows what people are taking interest in the tenants' cause. And yet he has managed to keep the tenants' representatives out. This action will be misunderstood by the people and they will think that Government are in league with persons who do not want to give the tenants their rights. That is a position which Government should always refrain from occupying. Government should always let the people know that Government existed for them and them only. You have so far given the people to understand that you exist for a particular class. But if you want to preserve your name, if you want to preserve your fame for justice and fair dealing you must make it known that you do not favour a particular class. It is necessary for your safety and the safety of my country. Sir, I only hope that the Hon'ble Member in charge would see his way to take in more persons in the committee who would represent the interest

of the tenantry. The Hon'ble Member might object saying that the committee would then be unwieldy. I submit, Sir, that in the first place he ought to have made a proper selection. In the second place, I would point out that the Select Committee on the Howrah Bridge which had interest only for a section of the community, consisted of 25 persons. So it is no use saying that the Hon'ble Member would not take any more persons in the Committee. The Select Committee is formed with a view to elicit the opinion of the members, who have knowledge and represent the views of the people affected. If that be the view then I submit that a few more persons should be taken in this committee in which there is absolutely no one to represent the views of the tenantry. If the Hon'ble Member has committed one mistake, I think he should refrain from committing another. But I am afraid he is adamant. It may be in the interest of Government as now exist and it may be in the interest of a particular party to keep out certain persons. I beg to point out that the first name in my amendment is that of Babu Hemanta Kumar Sarkar who belongs to a party to which I do not belong. He is a gentlemen who has been returned from Nadia and the Hon'ble Maharaja Bahadur knows that he defeated a most influential zemindar of the district. So it is fact that the tenantry of that place did not want the zemindar to represent them. He is a person who can really be thought to represent the views of the tenants. As I have said he belongs to the opposite camp but he represents the tenants. The next name is that of Shah Syed Emdadul Haq who although he is a zemindar himself takes a great interest in the affairs of the tenants and he has moved resolutions in this House suggesting remedial measures to alleviate the lot of tenants. The next name is that of Maulvi Zannoor Ahmed and the last name is that of mine but about myself I would say nothing except one word.

[Here the member reached his time-limit but he was allowed by the Hon'ble the President to proceed.]

It may be urged that I was in the Revenue Standing Committee but I resigned from there. Yes, I served in the Land Revenue Committee for five years and I resigned when I saw that Government was not willing at that time to introduce the Tenancy Amendment Bill. I resigned as a protest and I said so in my letter, thereby drawing the attention of Government, that they were acting most unfairly and unjustly towards the tenantry of Bengal and through bad Council they were playing into the hands of the enemies of my country.

Mr. PRESIDENT: Amendment standing in the name of Shah Syed Emdadul Haq.

With respect to amendments proposing new names for the Select Committee I have ruled that such amendments are liable to be ruled out unless the consent of the members proposed had previously been obtained and an intimation to that effect had been sent to the Secretary

to the Council. This ruling was brought to the notice of the members by the Secretary to the Council and I find that in this particular case, Shah Sahib, you have not compiled with the ruling and I therefore take it that you have not secured the previous consent of the members whom you propose for the Select Committee. [Pause.] I therefore consider that this is a frivolous amendment and I rule it out of order.

The following amendments were then ruled out of order:—

SHAH SYED EMDADUL HAQ to move that in the motion of Hon'ble Maharaja Bahadur, of Nadia, after Mr. W. S. Hopkyns, the following be inserted, namely:—

"Maulvi Ekramul Huq,
Babu Hemanta Kumar Sarkar,
Shah Syed Emdadul Haq."

Mr. K. C. RAY CHAUDHURI, Babu NAGENDRA NARAYAN RAY and Maulvi AFTAB HOSSAIN JOARDAR to move that in the motion of Hon'ble Maharaja Bahadur, of Nadia, after Mr. W. S. Hopkyns, the following be inserted, namely:—

"Babu Hemanta Kumar Sarkar."

Babu AKHIL CHANDRA DATTA to move that in the motion of Hon'ble Maharaja Bahadur, of Nadia, after Mr. W. S. Hopkyns, the following be inserted, namely:—

"Shah Syed Emdadul Haq."

Babu KHAGENDRA NATH GANGULY and Maulvi ABDUL QUADER to move that in the motion of Hon'ble Maharaja Bahadur, of Nadia, after Mr. W. S. Hopkyns, the following be inserted, namely:—

"Maulvi Zannoor Ahmed."

Rai Sahib PANCHANAN BARMA to move that in the motion of Hon'ble Maharaja Bahadur, of Nadia, after Mr. W. S. Hopkyns, the following be inserted, namely:—

"Maulvi Ekramul Huq."

Babu ABANISH CHANDRA RAY to move that in the motion of Hon'ble Maharaja Bahadur of Nadia, after Mr. W. S. Hopkyns, the following be inserted, namely:—

"Maulvi Wahed Hossain,
Babu Hemanta Kumar Sarkar."

The following amendment was called but not moved:—

Dr. PRANATHANATH BANERJEA to move that in the motion of the Hon'ble Maharaja Bahadur of Nadia, after Mr. W. S. Hopkyns, the following be inserted, namely:—

Mr. Byomkes Chakravarti,
Maulvi Wahed Hossain.

Mr. BEJOY KRISHNA BOSE: With regard to your ruling may I submit one word of explanation? I am not going to move my amendment but with regard to your ruling, you will pardon my saying so—it is not absolutely correct to say that the Secretary has written to us saying that your order must be complied with and that a notice of consent should be sent to the Secretary. I have got the letter with me here and it says that my amendment is liable to be ruled out unless I had obtained permission of the members whose names I propose. The letter does not intimate to me that this fact should also be communicated to the Secretary.

Mr. PRESIDENT: I am sorry there has been a misunderstanding; but whether you have informed the Secretary is not really the point. The real point is whether you have obtained the written consent of the members. In case you have got that consent I am prepared to allow you to move your amendment.

Mr. BEJOY KRISHNA BOSE: I do not want to move my amendment but with regard to your ruling it may be that some of those who have tabled their amendments could have moved them if this fact were known.

Mr. PRESIDENT: I think I have made the position quite clear now.

Dr. H. W. B. MORENO: I move that in the motion of the Hon'ble Maharaja Bahadur of Nadia, after Mr. W. S. Hopkyns the following be inserted, namely:—

Maulvi Wahed Hossain.

Sir, with regard to your ruling as to the previous consent of members. I may say that I have already received Maulvi Wahed Hossain's consent to serve on this committee and therefore I have great pleasure in moving my amendment. In Maulvi Wahed Hossain we have a gentleman who can fully represent the views of the tenants and in whose hands their rights will be amply safeguarded.

The following amendment was called but not moved:—

Mr. MAHBUBUL HUQ: That in item No. 7, after Mr. W. S. Hopkyns, the following be inserted, namely:—

Babu Abanish Chandra Ray,

Babu Hemanta Kumar Sarkar,

Maulvi Wahed Hossain,

Dr. H. W. B. Moreno,

Mr. M. Daud,

Mr. Mahbubul Huq.

The following amendment was ruled out of order:—

Maulvi Md. ABDUL JUBBAR PAHLOWAN to move that in the motion of the Hon'ble Maharaja Bahadur of Nadia after Mr. W. S. Hopkyns, the following be inserted, namely:—

Babu Hemanta Kumar Sarkar,

Mr. K. C. Ray Chaudhuri,

Maulvi Md. Abdul Jubbar Pahlowan.

The following amendments were called but not moved:—

Babu JOGINDRA CHANDRA CHAKRAVARTI to move that in the motion of the Hon'ble Maharaja Bahadur of Nadia after Mr. W. S. Hopkyns, the following be inserted, namely:—

Babu Hemanta Kumar Sarkar,

Mr. D. N. Roy,

Maulvi Kader Baksh.

Maulvi WAHED HOSSAIN to move that in the motion of the Hon'ble Maharaja Bahadur of Nadia after Mr. W. S. Hopkyns, the following be inserted, namely:—

Babu Hemanta Kumar Sarkar,

Babu Amulya Dhone Addy,

Dr. H. W. B. Moreno.

Babu AMULYA DHONE ADDY: Sir, may I move the motion standing in the name of Maulvi Wahed Hossain?

Mr. PRESIDENT: No, you cannot.

The following amendments were called but not moved:—

Babu BIJOY KRISHNA BOSE to move that in the motion of the Hon'ble Maharaja Bahadur of Nadia, after Mr. W. S. Hopkyns, the following be inserted, namely:—

Maulvi Ekramul Huq,
Babu Jogendra Nath Mitra.

Mr. H. S. SUHRAWARDY to move that in the motion of the Hon'ble Maharaja Bahadur of Nadia, after Mr. W. S. Hopkyns, the following be inserted, namely:—

Mr. Byomkes Chakravarti.

Mr. N. C. Sen,

Dr. A Suhrawardy.

Maulvi SAYEDUL HOQUE to move that in the motion of the Hon'ble Maharaja Bahadur of Nadia, after Mr. W. S. Hopkyns, the following be inserted, namely:—

Maulvi Abdur Raschid Khan,

Maulvi Md. Nurul Huq Chaudhury,

Maulvi Wahed Hossain,

Maulvi Sayedul Hoque.

Maulvi ABDUR RASCHID KHAN to move that in the motion of the Hon'ble Maharaja Bahadur of Nadia, after Mr. W. S. Hopkyns, the following be inserted, namely:—

Maulvi Abdur Raschid Khan,

Maulvi Wahed Hossain,

Maulvi Md. Nurul Huq Chaudhury,

Maulvi Kader Baksh.

Maulvi SAYYED SULTAN ALI: Sir, I do not think I can add anything to what has already been said by my hon'ble friend Maulvi Ekramul Huq, so I simply move the amendment which stands in my name:—

That in the motion of the Hon'ble Maharaja Bahadur of Nadia, after Mr. W. S. Hopkyns, the following be inserted, namely:—

Mr. Syed M. Masih,

Maulvi Tayebuddin Ahmed,

Maulvi Ekramul Huq,

Mr. M. Daud,

Khan Bahadur Maulvi Musharruf Hossain,

Maulvi Sayyed Sultan Ali.

The following motion was called but not moved:—

Babu SURENDRA NATH RAY to move that in the motion of the Hon'ble Maharaja Bahadur of Nadia, after Mr. W. S. Hopkyns, the following be inserted, namely:—

Rai Sahib Panchanan Barma,

Babu Satya Kishore Banerjee.

Babu NAGENDRA NARAYAN RAY: Sir, I rise to move that in the motion of the Hon'ble Maharaja Bahadur of Nadia after Mr. W. S. Hopkyns, the following be inserted, namely:—

Rai Sahib Panchanan Barma.

Sir, in moving this amendment I must say that in connection with the question of the amendment of the Bengal Tenancy Act every shred of interest of the people affected by that Act should be sufficiently represented on the Select Committee for the consideration of the Bill in question. If the interest of some class of people is not adequately represented their interest may not receive due consideration in formulating land laws. It is, therefore, extremely necessary that every class of the people governed by that Act should have due representation on the Committee for the consideration of this important piece of legislation. Now, Sir, as regards the member for the inclusion of whose name in the Select Committee I move this resolution, I beg to say that he has been working among the peasants of North Bengal for some years and through his work amongst them he has gained considerable experience as to the requirements of those people. Further, he served on the Select Committee for the amendment of the Bengal Tenancy Act in the last Council and has thereby acquired large experience in this direction. Lastly, as he is sufficiently acquainted with the local conditions and customs of North Bengal his inclusion in the Select Committee would safeguard the interest of the tenants of that part of the province.

Babu AMULYA DHONE ADDY: I have much pleasure in seconding this amendment. The total number of members which has been suggested by the Hon'ble Member in charge of the Bill is 19, and, Sir, you have been kind enough to suggest that the number of members of the Select Committee can be increased by 6. Therefore, Sir, as this suggestion is to have one additional member, I do not think there can be any objection to it. We all know that in the case of the Howrah Bridge Bill the total number of members of the Select Committee is 23 and therefore having regard to the important matters which have been embodied in this Bill I do not think that a committee of 20 members would be an unworkable one. Sir, I take this opportunity of stating that instead of selection, the procedure of election ought to have been introduced, because, as it appears from the several amendments which appear in the List of Business, a large number of members of this Council do not appear to be satisfied with the composition of the Select Committee. They want election and not selection. However, having regard to the fact that Rai Sahib Panchanan Barma has great experience in the matter—he having served on the Special Committee on the Bill—and having regard to the fact that he has intimate knowledge about the relationship between landlords and tenants in the district of Rangpur, and as it appears that he is not an advocate of the tenants only but an advocate of justice, therefore, it is right and proper that he should be made a member of the Select Committee. I also take the opportunity of saying that the selection is not a happy one because the members of the Swaraj Party predominate in the committee. Their

object is not to improve but to obstruct. I as a member of the non-Moslem Liberal Party, whose object is to improve the present system of Government, beg to protest against this as the claims of my Party have been ignored since only 2 members of that Party have been selected.

Maulvi KADER BAKSH: Will you allow any observations to be made regarding the constitution of the Select Committee?

Mr. PRESIDENT: Certainly.

Maulvi KADER BAKSH: If the object of the amendment is to safeguard the interests of both the tenant and the zemindar, certainly, I beg to submit that the constitution should have been otherwise. The Hon'ble Member in charge should have taken into consideration the names of persons who have been taking keen interest in matters of this kind. Now, there is another point and that is it should not be made a party question—the Bengal Tenancy Act affects the tenant class and also the zemindar class and that is the reason why it should not be made a party question. Now you will find from the names of the persons, as given in the motion itself, that at least 12 of them come from the zemindar class and only 7 from the tenant class. Sir, it is not desirable that the zemindars should preponderate over the tenants. After what Maulvi Ekramul Huq has said on this point there remain very few things to be said, but my submission to the Maharaja Bahadur is that he should take into consideration the names of those members who have been taking keen interest regarding this question of relationship between tenants and zemindars. The Maharaja Bahadur should also take into consideration the fact that the amendment of this Act should have been enacted more for the benefit of the masses than of the classes. Because, Sir, there is the well-known maxim—greatest good to the greatest number. If, the tenants are greater in number their interests should certainly be kept in view. Now, the Maharaja should take into consideration how the interests of the greater number might best be preserved and safeguarded, and therefore I most respectfully sumbit to him that he should add a few more names of persons who represent the tenant class.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: There has been a lot of discussion over this question and I have been myself the target of attacks——.

Maulvi EKRAMUL HUQ: I want to say one word before the maharaja speaks. In view of the request made to me by my friend, Maulvi Sultan Ali, I beg to withdraw my amendment.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: I am afraid that Maulvi Saheb is under a misapprehension; or, perhaps, because he has not been taken into the committee he is very

angry. But I must tell him that the leader of the Party to which he belongs was consulted by me and if his name had been suggested to me nobody would have been more pleased than myself to take him in the committee. There are already 19 members on that committee, and amendments have been moved for the addition of another 11 making in all 30. I am sure every one will admit that the present committee is already a big one and 29 is of course an impossible and unmanageable number. The Maulvi Saheb has compared the Select Committee of the Howrah Bridge Bill with that of the present Bill. Well, Sir, comparison is always odious in many matters, but if comparison is to be made, and if due proportion is to be given then the whole House will have to sit on the committee on a matter of such momentous importance. But that is not possible. The Select Committee, I may say, has been selected with very great care. I invited the leaders and whips of the different principal parties and groups in the Council to meet me and to discuss the matter, and the constitution of the committe was determined in consultation with them. We decided to have an equal representation of landlords and tenants and representatives from the different parties with neutral views on the questions at issue. The result is that we have 5 representatives of landholders, 5 of tenants, 5 of Government, and 4 neutral representatives. It is a difficult proposition to find suitable tenants' representatives. Sir, the next election is not very far off and I am rather amused to find that all on a sudden a sense of patriotism has been aroused in many of the members.

Maulvi SAYYED SULTAN ALI: The next election is not the subject-matter of discussion. Is the Hon'ble Member in order in referring to that?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: It is difficult to get real representatives of the tenants, but Government have to make up for such deficiency by holding the balance. The representatives of the different political parties and Nationalists are also properly represented. I would just make a summary of how the committee is constituted.

Mr. P. N. GUHA: You said that Government recognised no party, but to-day we have been hearing a lot about parties.

Mr. PRESIDENT: That is not a point of order. I cannot speak on behalf of the Government. I am a non-official member like yourself.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: If Mr. Guha had been in my position he would not have raised this question. In the British Parliament there is a Standing Committee

for the selection of Select Committees. Here we have no such thing. Whenever a motion for a Select Committee is referred to somebody jumps up from one side of the House and somebody from another, like a jack-in-the-box, with suggestions for more names and it is very difficult, rather impossible, to please everybody and take up all the names suggested. So I think we have got to draw the line somewhere and having brought forward certain names after careful consideration, I think, we must stick to them as a matter of principle; and the name that have been brought forward have been selected after due consideration. The representatives of the different political parties and Nationalists are also properly represented. We have 3 Independents, 4 Liberals, 6 Swarajists on the Committee of whom 8 are Hindus and 5 Muhammadans and 1 European, excluding the officials. I am sure the Council will consider this as satisfactory and recognize that due consideration has been given in the formation of the Select Committee. As matters stand, the Committee has the approval of Government and, I am led to believe, of the principal parties and groups in the House. Since all interested parties and groups have been fully represented in the Select Committee I have proposed, I do not see any point in increasing its size by the addition of further names. Further, it is already as large as can be conveniently managed. In fact it may be attacked on the ground that it is almost too large for the free exchange of ideas at a round-table conference. I am, therefore, adverse to adding to its numbers and oppose all the amendments.

Mr. PRESIDENT: I undertsand that Maulvi Ekramul Huq wants to withdraw his motion.

Maulvi EKRAMUL HUQ: It may be added that I withdraw it in support of Maulvi Sayyed Sultan Ali's motion.

Mr. PRESIDENT: There can be no conditional withdrawal.

The following motion was then, by leave of the Council, withdrawn:—

"That in the motion of the Hon'ble Maharaja Bahadur of Nadia after Mr. W. S. Hopkyns, the following be inserted, namely:—

Babu Hemanta Kumar Sarkar,

Shah Syed Emdadul Haq,

Maulvi Zannoor Ahmed,

Maulvi Ekramul Huq."

The following motion of Dr. H. W. B. Moreno was then put and lost:—

"That in the motion of the Hon'ble Maharaja Bahadur of Nadia after Mr. W. S. Hopkyns, the following be inserted:—

Maulvi Wahed Hossain."

The motion of Maulvi Sayyed Sultan Ali that in the motion of the Hon'ble Maharaja Bahadur of Nadia after Mr. W. S. Hopkyns, the following be inserted, namely:—Mr. Syed M. Masih, Maulvi Tayebuddin Ahmed, Maulvi Ekramul Huq, Mr. M. Daud, Khan Bahadur Maulvi Musharruf Hossain, Maulvi Sayyed Sultan Ali was then put and a division taken with the following result:—

AYES.

Ahmed, Maulvi Tayebuddin.
Ahsanullah, Mollah.
Aley, Khan Bahadur S. Mahboob.
Ali, Maulvi Sayyed Sultan.
Barma, Rai Sahib Panchanan.
Haq, Shah Syed Emdadul.
Hossain, Khan Bahadur Maulvi Musharruf.
Huq, Maulvi Ekramul.
Lal Mahammed, Haji.
Masih, Mr. Syed M.
Moreno, Dr. H. W. B.
Pahlewan, Maulvi Md. Abdul Jubbar.
Rahman, Mr. A. F.
Ray, Babu Nagendra Narayan.
Sarkar, Maulvi Allah Bukhsh.
Sen, Mr. N. C.

NOES.

Addams-Williams, Mr. C.
Addy, Babu Amulya Dhone.
Ahamad, Maulvi Asimuddin.
Ahmed, Maulvi Najmuddin.
Ahmed, Maulvi Zanneer.
Bagchi, Babu Remes Chandra.
Banerjee, Mr. A. C.
Banerjee, Rai Bahadur Abinash Chandra.
Basu, Babu Jatindra Nath.
Best, the Hon'ble S. J.
Birley, Mr. L.
Browne, Mr. P. N.
Campbell, Mr. K.
Chakravarti, Babu Jogindra Chandra.
Chakraverty, Babu Sudarsan.
Chartres, Mr. C. S.
Chaudhuri, Maulvi Saiyed Abdur Reb.
Chaudhuri, Rai Narendranath.
Chaudhuri, Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur
Corcoran, Mr. B. J.
Das, Babu Charu Chandra.
Datta, Babu Akhil Chandra.
De, Mr. K. C.
Dey, Mr. C. C.
Donald, the Hon'ble Mr. J.
Dose, Rai Bahadur Pyari Lal
Dutt, Mr. C. S.
Eddis, Mr. S. E. C.
Ganguly, Babu Khagendra Nath.
Ghuznavi, Hadji Mr. A. K. Abu Ahmed Khan.
Goode, Mr. S. W.
Guha, Mr. P. N.
Haldar, Mr. S. N.
Heard, Major-General Richard.
Hopkyns, Mr. W. S.
Hossain, Maulvi Wahed.
Huq, Mr. Mahbubul.
Jennaway, Mr. J. H.
Jaardar, Maulvi Aftab Hossain.
Khan, Maulvi Mahi Uddin.
Liddell, Mr. H. C.
Lindsay, Mr. J. H.
Mahammad, Maulvi Basar.
Maity, Babu Mahendra Nath.
McAlpin, Mr. M. C.
Mitra, Babu Jogendra Nath.
Mitter, Sir Provash Chunder.
Morgan, Mr. G.
Mumin, Khan Bahadur Md. Abdul.
Nandy, Maharaj Kumar Sris Chandra.
Neogi, Babu Manmohan.
Rahim, the Hon'ble Sir Abd-ur-.
Ray, Babu Abanish Chandra.
Ray, the Hon'ble Maharaja Bahadur Kshaunish Chandra.
Ray Chaudhuri, Raja Manmatha Nath.
Ray, Babu Manmatha Nath.
Roy, Babu Sateswripati.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy, Mr. S. N.
Roy, Raja Manilall Singh.
Roy Choudhuri, Rai Bahadur Satyendra Nath.
Sarker, Babu Nalinranjan.
Sen Gupta, Mr. J. M.
Stephenson, the Hon'ble Sir Hugh.
Tarafdar, Maulvi Rajib Uddin.
Woodhead, Mr. J. A.
Yasin, Maulvi Muhammad.

The Ayes being 16 and the Noes 68, the motion was lost.

The motion of Babu Nagendra Narayan Ray that in the motion of the Hon'ble Maharaja Bahadur of Nadia after Mr. W. S. Hopkyns the following be inserted, namely:—Rai Sahib Panchanan Barma was then put and a division taken with the following result:—

AYES.

Addy, Babu Amulya Dhone.
Ahmed, Maulvi Tayebuddin.
Ahsanullah, Moliah.
Aley, Khan Bahadur S. Mahboob.
Ali, Maulvi Sayyed Sultan.
Banerjee, Rai Bahadur Abinash Chandra.
Barma, Rai Sahib Panchanan.
Basu, Babu Jatindra Nath.
Das, Babu Charu Chandra.
Dees, Rai Bahadur Pyari Lal.
Guha, Mr. P. N.
Haq, Shah Syed Emdadul.
Hossain, Khan Bahadur Maulvi Musharruf.
Huq, Maulvi Ekramul.
Lal Mahammed, Haji.
Masih, Mr. Syed M.
Mittar, Sir Provash Chunder.
Moreno, Dr. N. W. R.
Nandy, Maharaj Kumar Srie Chandra.
Pahlewan, Maulvi Md. Abdul Jubbar.
Ray, Babu Nagendra Narayan.
Ray Chaudhuri, Raja Manmatha Nath.
Roy, Raja Manikoli Singh.
Sarkar, Maulvi Allah Bukhsh.
Sen, Mr. N. C.

NOES.

Addams-Williams, Mr. C.
Ahamad, Maulvi Asimuddin.
Ahmed, Maulvi Najmuddin.
Ahmed, Maulvi Zanneer.
Bagchi, Babu Romes Chandra.
Banerjee, Mr. A. C.
Best, the Hon'ble S. J.
Birley, Mr. L.
Browne, Mr. P. H.
Campbell, Mr. K.
Chakravarti, Babu Jogindra Chandra.
Chakravarty, Babu Sudarsan.
Chartres, Mr. C. R.
Chaudhuri, Maulvi Saiyed Abdur Reb.
Chaudhuri, Rai Harendranath.
Chaudhuri, Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Corcoran, Mr. B. J.
Datta, Babu Akhil Chandra.
De, Mr. K. C.
Dey, Mr. G. C.
Donald, the Hon'ble Mr. J.
Dutt, Mr. G. S.
Eddis, Mr. S. E. G.
Forrester, Mr. J. Campbell.
Ghuznavi, Hadji Mr. A. K. Abu Ahmed Khan.
Goode, Mr. S. W.
Haldar, Mr. S. N.
Heard, Major-General Richard.
Hopkyns, Mr. W. S.
Hug, Mr. Mahbubul.
James, Mr. F. E.
Jennaway, Mr. J. H.
Joardar, Maulvi Aftab Hossain
Khan, Maulvi Mahi Uddin.
Liddell, Mr. H. C.
Lindsay, Mr. J. H.
Mahammad, Maulvi Basar.
Maity, Babu Mahendra Nath.
McAlpin, Mr. M. C.
Mitra, Babu Jogendra Nath.
Morgan, Mr. G.
Mumin, Khan Bahadur Md. Abdul.
Neogi, Babu Manmohan.
Quader, Maulvi Abdul.
Rahim, the Hon'ble Sir Abd-ur-.
Ray, Babu Akanish Chandra.
Ray, Babu Surendra Nath.
Ray, the Hon'ble Maharaja Bahadur Kshaunish Chandra.
Roy, Babu Satcowripati.
Roy, Mr. G. N.
Roy, Mr. Kiran Sankar.
Roy, Mr. S. N.
Roy Choudhuri, Rai Bahadur Satyendra Nath.
Sarker, Babu Naliniranjan.
Sasmal, Mr. B. N.
Sen Gupta, Mr. J. M.
Smith, Mr. J. F.
Stephenson, the Hon'ble Sir Hugh.
Tarafdar, Maulvi Rajib Uddin.
Travers, Mr. W. L.
Woodhead, Mr. J. A.
Yasin, Maulvi Muhammad.

The Ayes being 25 and the Noes 62, the motion was lost.

Mr. P. N. GUHA: I beg to move that in the last line of the Hon'ble Maharaja Bahadur of Nadia's motion, for the word " five ", the word " eleven " be substituted. Sir, at this fag end of the day I do not want to inflict a speech. My reason for moving this resolution is that I find that 5 members of the Select Committee are Government officials—the Maharaja Bahadur, his Secretary, two special members taken for this purpose, and another gentleman. I do not think, that these five gentlemen if they sit together should decide any thing. I do not suggest for a moment that they will not invite other members, but on no account it should be possible for these five Government members to decide any thing with regard to this Bill. I have been told it is impossible to get eleven members together. What I beg to submit in this connection is this that the Maharaja Bahadur has said that he has taken good care to select members of the committee, but if, as he says, he has not found more than five members to form the quorum in an important matter like this, I do not think I can praise his choice. The reason for my motion that eleven should form the quorum and not five is that the Select Committee may not be dominated by a Government majority. If the quorum remains at five, then the Government members will predominate. That is why I have deliberately made this proposal to increase the number to eleven, so that Government will not be able to carry any thing they like. I am not a representative of the people—the representatives of the people owe it to themselves to see that the whole thing is not left to the members of Government—a thing which is of vital importance to the people.

Babu NALINIRANJAN SARKER: I formally move the motion standing in my name, that is, in the last line of the motion of the Hon'ble Maharaja Bahadur of Nadia, for the word " five ", the word " nine " be substituted.

The Hon'ble the Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: The usual quorum of a Select Committee is formed having regard to the percentage which a quorum of the Council, *i.e.*, 25 bears to the whole Council, *viz.*, 140. In that view 5 is quite large enough. I think 11 is too large, but I am not opposed to increasing the number from 5 to 9. I will accept therefore the amendment of Babu Naliniranjan Sarker, but oppose to the other. If members of this House anticipate, as Mr. P. N. Guha does, that there might be a Government majority in the quorum, it is up to the members of the Council to see that all the members of the Select Committee attended, in which case there may be a majority against Government of 14 to 5.

The motion of Mr. P. N. Guha that in the last line of the motion of Hon'ble Maharaja Bahadur of Nadia for the word " five ", the word

"eleven" be substituted was then put and a division taken with the following result:—

AYES.

Addy, Babu Amulya Dhone.
Ahamad, Maulvi Asimuddin.
Ahmed, Maulvi Najmuddin.
Ahmed, Maulvi Tayebuddin.
Ahmed, Maulvi Zanneer.
Ahsanullah, Mollah.
Aley, Khan Bahadur S. Mahboob.
Ali, Maulvi Sayyed Sultan.
Bagchi, Babu Romes Chandra.
Baksh, Maulvi Kader.
Banerjee, Rai Bahadur Abinash Chandra.
Barma, Rai Sahib Panchanan.
Basu, Babu Jatindra Nath.
Bose, Babu Sejay Krishna.
Chakravarti, Babu Jogindra Chandra.
Chakraverty, Babu Sudarsan.
Chaudhuri, Maulvi Saiyed Abdur Reb.
Chaudhuri, Rai Narendranath.
Chunder, Mr. Nirmal Chandra.
Das, Babu Charu Chandra.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Gafur, Maulvi Abdul.
Guha, Mr. P. N.
Haidar, Mr. S. N.
Hossain, Khan Bahadur Maulvi Musharruf.
Hossain, Maulvi Wahed.
Huq, Mr. Mahbubul.
Joardar, Maulvi Aftab Hossain.
Khan, Maulvi Mahi Uddin.
Lal Mahammed, Haji.
Mahammad, Maulvi Basar.
Maity, Babu Mahendra Nath.
Masih, Mr. Syed M.
Mitra, Babu Jogendra Nath.
Mitter, Sir Provash Chunder.
Nandy, Maharaj Kumar Sris Chandra.
Neogi, Babu Manmohon.
Quader, Maulvi Abdul.
Rahman, Mr. A. F.
Ray, Babu Abanish Chandra.
Ray, Babu Nagendra Narayan.
Ray Chaudhuri, Raja Manmatha Nath.
Roy, Babu Satcowripati.
Ray, Mr. D. N.
Ray, Mr. Kiran Sankar.
Roy, Raja Manilall Singh.
Ray Choudhuri, Rai Bahadur Satyendra Nath.
Sasmal, Mr. S. N.
Sen, Mr. N. C.
Sen Gupta, Mr. J. M.
Taraidar, Maulvi Rajib Uddin.
Yasin, Maulvi Muhammad.

NOES.

Addams-Williams, Mr. C.
Banerjee, Mr. A. C.
Best, the Hon'ble S. J.
Birley, Mr. L.
Browne, Mr. P. H.
Campbell, Mr. K.
Chartres, Mr. C. B.
Chaudhuri, Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Corcoran, Mr. E. J.
De, Mr. K. C.
Dey, Mr. G. C.
Donald, the Hon'ble Mr. J.
Dutt, Mr. C. S.
Eddis, Mr. S. E. C.
Forrester, Mr. J. Campbell.
Ghuznavi, Hadji Mr. A. K. Abu Ahmed Khan.
Goode, Mr. S. W.
Haq, Khan Bahadur Kazi Zahirul.
Haq, Shah Syed Emdadul.
Heard, Major-General Richard.
Hopkyns, Mr. W. S.
Huq, Maulvi Ekramul.
James, Mr. F. E.
Jonnaway, Mr. J. H.
Liddell, Mr. N. C.
Lindsay, Mr. J. N.
McAlpin, Mr. M. C.
Morene, Dr. H. W. B.
Morgan, Mr. G.
Mumin, Khan Bahadur Md. Abdul.
Rahim, the Hon'ble Sir Abd-ur-.
Ray, the Hon'ble Maharaja Bahadur Kshaunish Chandra.
Roy, Mr. S. N.
Smith, Mr. J. F.
Stephenson, the Hon'ble Sir Hugh.
Travers, Mr. W. L.
Woodhead, Mr. J. A.

The Ayes being 53 and the Noes 37, the motion was carried.

Mr. PRESIDENT: As this motion has been carried, Babu Naliniranjan Sarker's motion falls through in consequence.

The following motion of the Hon'ble the Maharaja Kshaunish Chandra Ray Bahadur of Nadia, as amended in Council, was then put and agreed to:—

"That the Bengal Tenancy (Amendment) Bill, 1925, be referred to a Select Committee consisting of Sir Provash Chunder Mitter, Raja Manmatha Nath Ray Chaudhuri of Santosh, Nawab Bahadur Saiyid Nawab Ali Chaudhuri, Khan Bahadur, Rai Satyendra Nath Roy Chaudhuri Bahadur, Maulvi Rajib Uddin Tarafdar, Babu Jogindra Chandra Chakravarti, Maulvi Basar Muhammad, Maulvi Asimuddin Ahamad, Mr. J. M. Sen Gupta, Mr. Nirmal Chunder Chunder, Babu Akhil Chandra Datta, Rai Harendranath Chaudhuri, Mr. W. L. Travers, Maulvi A. K. Fazl-ul-Huq, Mr. M. C. McAlpin, Mr. H. C. Liddell, Khan Bahadur M. A. Momen, Mr. W. S. Hopkyns and the mover, with instructions to submit their report in time for its consideration in Council in the February session of the Bengal Legislative Council, and that the number of members whose presence shall be necessary to constitute a quorum shall be eleven."

Adjournment.

The Council then adjourned till 3 P.M., on Friday, the 4th December, 1925, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Friday, the 4th December, 1925, at 3 P.M.

Present:

The Hon'ble the President (Kumar SHIB SHEKHARESWAR RAY) in the Chair, the four Hon'ble Members of the Executive Council, and 123 nominated and elected members.

Starred Questions

(to which oral answers were given).

Price of opium.

*XLII. **Babu SATYA KISHORE BANERJEE:** (*a*) Is the Hon'ble Member in charge of the Department of Agriculture and Industries (Excise) aware of a feeling of distress in some quarters on account of the increase in the price of opium?

(*b*) Are the Government considering the desirability of devising a practical scheme so that those who use opium as a medicine may get it at a lower price than the general rate?

MEMBER in charge of DEPARTMENT of AGRICULTURE and INDUSTRIES [EXCISE] (the Hon'ble Mr. J. Donald): (*a*) and (*b*) No. The increase in the price of opium in Calcutta and its neighbouring districts has been made in order to check the excessive consumption of the drug in these areas.

Babu BORODA PROSAD DEY: Has this increase in the price resulted in decrease in consumption?

The Hon'ble Mr. J. DONALD: It is too early to make a statement on this point.

Police Force in Bankura.

***XLIII. Babu UMES CHANDRA CHATTERJEE:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to lay on the table a statement showing, for the district of Bankura, and for the years 1875, 1880, 1885, 1890, 1895, 1900, 1905, 1910, 1915, 1920, 1924—

(*i*) the number of police constables, head-constables, sub-inspectors, inspectors, deputy superintendents and superintendents in employ under the Government;

(*ii*) the number of dacoities, thefts and murders committed; and

(*iii*) the expenses for maintaining the Police Force?

(*b*) Will the Hon'ble Member be pleased to lay on the table a statement showing, for the district of Bankura, in the current year—

(*i*) the number of constables and head-constables;

(*ii*) the number of Bengali constables and head-constables; and

(*iii*) the number of Santhal and Bauri constables?

(*c*) If the answer to (*b*) (*iii*) is nil, will the Hon'ble Member be pleased to state the reason why constables are not recruited from Bauris and Santhals?

(*d*) Will the Hon'ble Member be pleased to state how many constables are annually recruited from the district of Bankura?

(*e*) Will the Hon'ble Member be pleased to state the reason why the Police Force at Bankura has been increased?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Sir Hugh Stephenson): (*a*) Three statements containing the information asked for so far as can be ascertained are laid on the table.

(*b*) A statement is laid on the table.

(*c*) There is one Santhal constable. The reason why there are no Bauris is that they have not applied for enlistment.

(*d*) The number of constables recruited locally during the last three years is eleven per year on the average.

(e) The Police Force has been increased from time to time owing to the growth and complexity of police work generally and the consequent increase in the number of police stations.

Statement of force in Bankura asked for in starred question No. XLIII (a) (i).

—	Superintendents.	Deputy Superintendents.	Inspectors.	Sub-inspectors.	Head-constables including assistant sub-inspectors.	Constables.
1875 ..	1	..	2	6	33	222
1880 ..	1	..	3	12	45	329
1885 ..	1	..	2	16	40	318
1890 ..	1	..	2	16	38	292
1895 ..	1	..	2	18	32	313
1900 ..	1	..	2	27	25	321
1905 ..	1	..	3	29	31	325
1910 ..	1	..	5	35	39	333
1915 ..	1	..	5	36	50	393
1920 ..	1	1	5	38	51	422
1924 ..	1	1	5	36	56	450

N.B.—There was no Deputy Superintendent in Bankura before 1920.

Statement of crime in Bankura asked for in starred question No. XLIII (a) (ii).

—	1875	1880	1885.	1895.	1900.	1905.	1910.	1915.	1920.	1924.
Dacoities ..	..	..	..	..	..	..	..	49	13	17
Thefts ..	..	..	..	..	..	..	..	463	407	286
Burglaries ..	..	..	..	..	..	..	..	387	380	236
Murders ..	..	..	..	..	..	..	..	6	5	11

N.B.—Figures for the year 1875 to 1910 are not available.

Statement of cost for the maintenance of Police Force in Bankura asked for in starred question No. XLIII (a) (iii).

	Cost.
	Rs.
1875	... 41,203
1880	... 54,861
1885	... 58,951
1890	... 43,295

	Rs.
1895	... 62,441
1900	... 71,194
1905	... 87,458
1910	... Separate figure not available for Bankura.

	Cost. Rs.	A.	P.
1915	... 1,40,484	6	10
1920	... 2,01,414	6	1
1924	... 2,40,648	3	1

The figures include pay, allowances and contingencies. The pay of constables and certain other ranks as well as the price of clothing has increased threefold since 1903. The cost of arms, accoutrements and ordnances has increased fivefold. Rents, rates and taxes have also risen enormously.

Statement of head-constables and constables in Bankura asked for in starred question No. XLIII (b).

(*i*)	Head constables (excluding assistant sub-inspectors)	... 21	
	Constables	... 450	
(*ii*)	Number of Bengali head-constables	... 1	
	Number of Bengali constables	... 163	
(*iii*)	Number of Santhal and Bauri constables	... 1	(Santhal)

Babu Umes Chandra Chatterjee's letter to the Chief Secretary.

***XLIV. Babu UMES CHANDRA CHATTERJEE:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether he is aware that the Chief Secretary did not send any reply to the letter which I wrote to him in the year current (1925) as also to the reminder for reply, which I sent after waiting for a considerable time?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state why no reply was vouchsafed by the Chief Secretary?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Sir Hugh Stephenson): (*a*) and (*b*) The Chief Secretary showed me a letter dated the 10th April, 1925, which he had received from Babu Umes Chandra Chatterjee. He was doubtful whether the letter was serious, and he proposed not to send a reply and I agreed with him. The Chief Secretary, with whom I agree, attaches particular importance to compliance with all reasonable requests for information, and I will, with the permission of the writer, read the letter referred to, so that the Council may be able to judge whether it contained a reasonable request for information. No reply was sent to the remainer.

The letter read is as follows:—

To

THE CHIEF SECRETARY,

Government of Bengal.

DEAR SIR,

I wrote to you about structural alterations in the Civil Court Buildings of Vishnupur in the district of Bankura on the 6th March, 1925, and received a reply to that on the 17th March, 1925. So I had to pass a pretty long period in suspense. This time I hope you will not punish me like that.

This time my complaint is Messrs. Cook and French, the Commissioner of the Burdwan Division and the District Magistrate of Bankura, respectively, came to visit the town of Vishnupur on the 28th January, 1925. They know I am a resident of this town. I presume this, because they are officially bound to know it and if it be the fact that they do not know it, in that case, they are incompetent officers and they should be taken to task for that. Be that as it may, my present purpose is to intimate to you, they failed in their duty in that they did not pay me visit of respect which they were bound to do as official etiquette. Their salaries are subject to the vote of the Council and I am an elected member of the same. So they owe their maintenance to my vote and are bound to pay me respect. If you hold otherwise, I will hold the Government of India Act is nothing, if not a farce. I must provide against the surmise, I am an ardent lover of honour. I emphatically assert, this I am not. What I want is discipline. I therefore request if you are of the same view with me in this matter, you will deal with them accordingly. If you hold any adverse view, kindly let me know that as early as possible so that I may disillusion the self-respecting members of the Council to which I belong.

I know what I am. I know I am a native of the Dependency of India and this demand on my part will raise a contemptuous feeling in you and the members of your race. Yet, if I demand a reply it is because, I want to prove to the world that no amount of Government of India Act will raise the status of the Indians who must learn to stand on their own legs if they want the status of equality with the free nations of the world.

Yours faithfully,

(Sd.) UMES CHANDRA CHATTERJEE,

B. L., M. L. C.

VISHNUPUR,
10th April, 1925.

Détenu Girindra Nath Banarji.

***XLV. Mr. KIRAN SANKAR ROY:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether it is a fact that Babu Girindra Nath Banarji, a détenu in the Midnapore Jail, wrote a number of petitions to the authorities for his transfer to a Calcutta Jail for eye-examination?

(*b*) Is it a fact that no reply was given to his petitions?

The Hon'ble Sir HUGH STEPHENSON: (*a*) No.

(*b*) Does not arise.

Détenu Pratul Chandra Ganguly.

***XLVI. Mr. KIRAN SANKAR ROY:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether it is a fact that Babu Pratul Chandra Ganguly has long been suffering from nasal catarrh and inflammation of the kidney?

(*b*) Is it a fact that he sent a number of petitions to the authorities for his transfer to a Calcutta Jail, for better medical treatment?

(*c*) Is it a fact that no replies have been given?

The Hon'ble Sir HUGH STEPHENSON: (*a*) He has been suffering for some time from nasal catarrh and bacillary infection of the urinary tract.

(*b*) Yes.

(*c*) No.

Mr. S. N. HALDAR: Why has the reply been "No", with regard to question (*c*)?

The Hon'ble Sir HUGH STEPHENSON: The answer means that a reply has been given, because two negatives make an affirmative.

State prisoner Jadugopal Mukharji.

***XLVII. Mr. KIRAN SANKAR ROY:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether Mr. Jadugopal Mukharji, M.B., a State prisoner in Midnapore Jail, applied several times to the Government for transferring him to a Calcutta Jail for the treatment of his teeth or making arrangement there for the same?

(*b*) Is it a fact that none of his requests has been conceded?

The Hon'ble Sir HUGH STEPHENSON: (*a*) Yes.

(*b*) He has been treated by the Civil Surgeon and relief afforded; the question of bringing him to Calcutta for further treatment is under consideration.

Mr. S. H. HALDAR: Is the Civil Surgeon a specialist in dentistry?

The Hon'ble Sir HUGH STEPHENSON: No, not all doctors are.

State prisoners and détenus at Mandalay.

***XLVIII. Mr. KIRAN SANKAR ROY:** Will the Honble Member in charge of the Political Department be pleased to state whether it is a fact that all the State prisoners and détenus at Mandalay are suffering from rheumatic pains?

The Hon'ble Sir HUGH STEPHENSON: No such information has been received.

Détenu Purna Chandra Das.

***XLIX. Babu NALINIRANJAN SARKER:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether the Government have received an application from détenu Srijut Purna Chandra Das asking for orders for his removal to Calcutta for treatment?

(*b*) If so, when was such application received by the Government?

(*c*) When and in what manner was the application dealt with?

The Hon'ble Sir HUGH STEPHENSON: (*a*) No. But an application of this sort was received from his brother.

(*b*) In June, 1925.

(*c*) Arrangements were made for his transfer, for special medical treatment.

Dr. BIDHAN CHANDRA ROY: Has this person been transferred at all, or an arrangement made by which he was brought down to Calcutta and taken back again?

The Hon'ble Sir HUGH STEPHENSON: I must refer the member to my last answer; I am not prepared to say more than that.

Unstarred Questions

(answers to which were laid on the table).

Recruitment in the Pilot Service.

23. Mr. A. C. BANERJEE: (*a*) Will the Hon'ble Member in charge of the Marine Department be pleased to state—

(*i*) whether it is a fact that the Public Services Commission, which was appointed in 1912, considered that there was no justification for excluding Indians and Anglo-Indians from the Pilot Service in Bengal on racial grounds; and

(*ii*) whether it is a fact that by reason of the report of the Public Services Commission "a new rule was made to the effect that every endeavour would be made to ascertain the existence of suitable local candidates before asking the Secretary of State to make appointments in England"?

(*b*) Was not the question of nautical education and of enlistment in the Pilot Service of Indian and Anglo-Indian youths again raised by the appointment of the Indian Mercantile Marine Committee, in February, 1923?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Member be pleased to state the decision which the said Committee arrived at?

(*d*) Will the Hon'ble Member be pleased to state what steps, if any, have been taken for the purpose of enabling Indian and Anglo-Indian youths to join the Pilot Service in Bengal?

MEMBER in charge of MARINE DEPARTMENT (the Hon'ble Mr. J. Donald): (*a*) (*i*) and (*ii*) Yes.

(*b*) Yes.

(*c*) The Committee recommended a system of nautical training which would give the requisite qualifications to enter any service for which sea experience is required and recommended that one way of finding avenues of employment for officers after their training was completed should be to employ an increasing number of them as they become available in certain services, including the Bengal Pilot Service. For further details the member is referred to the published report of the Committee.

(*d*) The member is referred to the rules for the appointment of candidates to the Bengal Pilot Service, published in Bengal notification No. 127 Mne., dated the 22nd August, 1921. These rules are

the outcome of the recommendations of the Public Services Commission, and one native of India has secured appointment under them. The report of the Indian Mercantile Marine Committee is understood to be under the consideration of the Government of India.

Dr. W. H. B. MORENO: In regard to answer (*d*), the last three lines, does the term "Native of India" include Anglo-Indians as well as Indians?

The Hon'ble Mr. J. DONALD: Yes.

Mr. A. C. BANERJEE: May I know what arrangement has been made to give Indians—by Indians I mean Indians and Anglo-Indians—an opportunity of receiving nautical training?

The Hon'ble Mr. J. DONALD: I would refer to the last line of my answer; the matter is under consideration.

Proposed annual statutory grant to the Calcutta University.

24. Rai HARENDRANATH CHAUDHURI: (*a*) Will the Hon'ble Member in charge of the Department of Education be pleased to state whether the Government are considering the desirability of bringing forward a Bill providing for an annual statutory grant to the Calcutta University? If not, why not?

(*b*) Is it a fact that owing to uncertain and inferior prospects in the Calcutta University service some professors and lecturers have left service in that University and joined the Dacca University and other services?

(*c*) Is the Hon'ble Member aware that the statement mentioned in (*b*) has been found by a Committee of the Calcutta University and that finding has been incorporated in a published report of the said University?

MEMBER in charge of DEPARTMENT of EDUCATION (the Hon'ble Sir Abd-ur-Rahim: (*a*) Yes.

(*b*) and (*c*) Government understand from Chapter IV of the Post-graduate Committee's Report, that there have been cases in which members of the Calcutta University staff accepted better posts in other Universities.

Rai HARENDRANATH CHAUDHURI: With reference to part (*a*), will the Hon'ble Member be pleased to state when the Bill will be introduced?

The Hon'ble Sir ABD-UR-RAHIM: Not in this session, but I can't tell you off-hand.

Mr. A. C. BANERJEE: May I know why it has not been introduced this session?

The Hon'ble Sir ABD-UR-RAHIM: Because we have not yet been able to arrive at a definite figure of the amount to be given to the University.

Rai HARENDRANATH CHAUDHURI: With reference to answer (*b*) of the question, will the Hon'ble Member be pleased to state what steps the Calcutta University are taking for improving the prospects of the teachers?

The Hon'ble Sir ABD-UR-RAHIM: This is a matter which concerns the Calcutta University; I cannot give the information.

Judicial and Executive functions.

25. Babu KHAGENDRA NATH GANGULY: (*a*) With reference to the answer to unstarred question No. 15, put by Babu Satya Kishore Banerjee, M.L.C., at the meeting of the Bengal Legislative Council, held on the 24th January, 1924, will the Hon'ble Member in charge of the Appointment Department be pleased to state whether the Special Officer appointed by the Government to work out the cost of the scheme for the separation of the Judicial and Executive services and functions has submitted his report by this time?

(*b*) If the reply to (*a*) is in the negative, will the Hon'ble Member be pleased to state the reason for the delay?

(*c*) If the report has been submitted, when will it be published for the information of the public?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Sir Hugh Stephenson): (*a*) Yes, an estimate of the cost of the scheme, as prepared by the Government of Bengal, has been made and reported to the Government of India.

(*b*) Does not arise.

(*c*) The local Government are awaiting orders of the Government of India.

Babu KHAGENDRA NATH GANGULY: Will the Hon'ble Member be pleased to state the approximate amount of the estimated cost of the scheme?

The Hon'ble Sir HUGH STEPHENSON: I cannot say off-hand. I shall be glad to give the information if he wishes it.

Mr. A. C. BANERJEE: I should like to know whether the Bengal Government has made any recommendation, one way or the other, either in favour of the scheme or against it.

The Hon'ble Sir HUGH STEPHENSON: I think I made that quite clear in my speech on the last occasion when the question was raised in this Council. I stated then what the position of the Government was.

Mr. A. C. BANERJEE: Will a copy of the report sent by the Government of Bengal to the Government of India be available to the members of this House?

The Hon'ble Sir HUGH STEPHENSON: That also was contained in my speech.

Mr. A. C. BANERJEE: I have a very bad memory, and I should like to know it.

Mr. PRESIDENT: But, Mr. Banerjee, you yourself have referred to that speech.

Weekly holidays and half-holidays in mufassal schools.

26. SHAH SYED EMDADUL HAQ: (*a*) Is the Hon'ble Member in charge of the Department of Education aware—

(*i*) that there are no Christian students in most of the mufassal schools;

(*ii*) that most of the schools remain closed for a certain time on every Friday for the *Juma* prayer of the Mussalmans; and

(*iii*) that there is no fixed weekly prayer day for students belonging to other creeds?

(*b*) Are the Government considering the desirability of issuing instructions so that the mufassal schools get half-holiday on Thursdays instead of on Saturdays and a holiday on Fridays, in place of Sundays?

(*c*) Is it a fact that the Rupsa High School and some other schools in Tippera get half-holiday on Thursday and holiday on Friday for Saturday and Sunday, respectively?

The Hon'ble Sir ABD-UR-RAHIM: (*a*) (*i*) Government is aware that there are very few Christians in mufassal schools.

(*ii*) and (*iii*) Yes.

(*b*) Existing instructions leave it to Managing Committees to decide whether the work of any Government or aided school should be suspended for one hour on Fridays, or whether the school should be closed for a half-holiday on Fridays instead of on Saturdays. It is not intended to issue further instructions.

(*c*) Government have no information.

Saraswati and Kana Nadi.

27. Babu TARAKNATH MUKERJEA: Will the Hon'ble Member in charge of the Department of Irrigation be pleased to state—

(*i*) what further steps have been taken for the re-excavation of the rivers Saraswati and Kana Nadi in the districts of Hooghly and Howrah; and

(*ii*) when the works are expected to be taken in hand?

MEMBER in charge of DEPARTMENT of IRRIGATION (the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur of Nadia): (*i*) Money has been allotted from the Eden Canal grant for clearing the Saraswati of silt bars and jungle and a special grant has been voted by the Council for remodelling the Jamalpur sluice to enable the Kana Nadi and Saraswati to be flushed in the monsoon.

(*ii*) The works will be completed by next monsoon.

Rorha Khal.

28. Babu TARAKNATH MUKERJEA: Will the Hon'ble Member in charge of the Department of Irrigation be pleased to state what further progress has been made for the re-excavation of the Rorha Khal (also known as the Arora Khal) in thana Khanakul, district Hooghly?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: The position remains the same as in January last when a reply was given to a similar question.

Dankuni Canal.

29. Babu TARAKNATH MUKERJEA: Will the Hon'ble Member in charge of the Department of Irrigation be pleased to state what further progress has been made for the re-excavation of the Dankuni Canal from Baidyabati to Bally, in the district of Hooghly?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: An estimate has been sanctioned for silt clearance of the channels and money has also been allotted. The work will be taken up as soon as the crops have been harvested.

Canal project.

30. Babu TARAKNATH MUKERJEA: (*a*) Will the Hon'ble Member in charge of the Department of Irrigation be pleased to state whether the Damodar Canal project is still under the consideration of the Irrigation Department?

(*b*) If so, when is the work expected to be taken in hand?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: (*a*) A project estimate amounting to Rs. 78,14,981 was administratively approved by Government for this canal last July.

(*b*) As soon as funds are available.

Proposal for acquisition of land beyond the Bidyadhari spill area.

31. Babu HEM CHANDRA NASKER: (*a*) Is the Hon'ble Member in charge of the Department of Irrigation aware that some three years back it was notified that a few acres of land situated beyond the limits of the spill area of the Bidyadhari river up to the Paran Chaprasi's Khal, in Dhapa, would be acquired?

(*b*) Is that proposal still under the contemplation of the Government?

(*c*) If so, when will that proposal be given effect to?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: (*a*) Yes.

(*b*) No.

(*c*) Does not arise.

Bharole Khal.

32. Babu HEMANTA KUMAR SARKAR: Will the Hon'ble Member in charge of the Department of Irrigation be pleased to state whether the Government are considering the desirability of taking up the question of opening up the mouth of the Bharole Khal by cutting a ditch 130 feet by 3 feet by 3 feet to allow the free flow of water from the main khal up to the Bharole bridge, constructed at the instance of the Drainage Commission, near the Poradah railway station?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: The matter is receiving attention.

GOVERNMENT BUSINESS

Legislative Business.

Government Bills.

The Bengal Municipal Bill, 1925.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: I beg to move for leave to introduce a Bill to consolidate and amend the law relating to municipalities in Bengal.

Mr. PRESIDENT: Does any member object to the introduction of the Bill?

Rai HARENDRANATH CHAUDHURI: I rise to object to the introduction of the Bill.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: I am surprised to find that the member has thought it fit to oppose this Bill even without hearing what Government has got to say. This is the very Bill which was once introduced by Sir Surendra Nath Banerjea and it was circulated for opinion. We have received many opinions (shows the bundle of opinions received), but if the House do not want to have the Bill introduced, the responsibility is theirs. However, I shall deal with other matters at a later stage.

Rai HARENDRANATH CHAUDHURI: I do not think any long speech is necessary from any member just to prove that the Bill is a highly retrograde and reactionary measure.

Almost in every chapter of the Bill Government propose to take powers which will be subversive of local self-government in this country, not only powers to frame rules to supplement the Bill, but also power to substitute new rules for the Bill. I need point out only one section of the Bill. Clause 12 proposes that if the circumstances of any municipality are such that in the opinion of the local Government any of the provisions of this Act are unsuited thereto, the local Government may, by notification, except the municipality or any part of it from the operation of those provisions; and thereupon the said provisions shall not apply to the municipality until applied thereto by notification. Then sub-clause (2) of the same clause says that while such exception as aforesaid remains in force, the local Government may make rules in respect of matters excepted from the operation of the said provisions.

A new function of rules, therefore, has been discovered, *viz.*, rules not only to supplement the provisions of a Bill but also to substitute them, and I think it may also be supposed that in the shape of rules other municipal Bill can be prepared in the Secretariat behind the back of the Council just to govern some municipalities and control their operation in some important respects. The effect of this clause would be to empower Government to make rules which will supplant the Bengal Municipal Bill. Similarly in every chapter Government have taken unduly large powers of interference and control.

Thus proceeding we find that so far as the municipal constitution is concerned, Government propose to interfere with the constitution by rules to regulate the franchise and "any matter relating to candidates for" municipal "employment".

Then as regards finance, Government of course do not propose that the municipal budget should be sanctioned by the Divisional Commissioners, but go a step further and say that Government will be able to regulate the preparation of the budget and "any matter relating to the municipal fund or property in respect of which the Act makes no or insufficient provision".

Then, again, take for instance, the question of assessment. Here also Government deprive the Commissioners of their existing powers, compel them to have it done by one of the nominated or rather listed assessors and even deny them the power to hear and decide applications for reduction of municipal assessment except in the presence of a person appointed by the local Government.

Then, again, in the chapter on municipal taxation, Government propose to regulate any matter relating to taxes, tolls, fees or rates in respect of which this Act makes no provision or insufficient provision.

Then in the chapter relating to water-supply, lighting and drainage, Government take powers even to enforce against the wishes of the Commissioners and the rate-payers such schemes as they think fit and to direct that any rates shall be levied or increased for that purpose.

Then, again, towards the end Government take power not only to suppress a municipality and supersede the Commissioners but also to dissolve the existing body of Commissioners and supersede or take over any department of any municipality.

These are powers hitherto unknown to municipal government and do not obtain, I believe, in any other municipal law prevailing in any advanced country.

I do not wish to proceed further; I think I have sufficiently elucidated my point.

The motion that leave be given to introduce a Bill to consolidate and amend the law relating to municipalities in Bengal was then put and a division taken with the following result:—

AYES.

Addams-Williams, Mr. C.
Addy, Babu Amulya Dhone.
Ahmed, Maulvi Tayebuddin.
Ahsanullah, Moliah.
Ali, Maulvi Sayyed Sultan.
Ali, Mr. Altaf.
Barton, Mr. H.
Birley, Mr. L.
Chartres, Mr. C. B.
Cohen, Mr. D. J.
De, Mr. K. C.
Dey, Mr. G. C.
Donald, the Hon'ble Mr. J.
Dutt, Mr. C. S.
Ghuznavi, Hadji Mr. A. K. Abu Ahmed Khan.
Goode, Mr. S. W.
Haq, Khan Bahadur Kazi Zahirul.
Heard, Major-General Richard,
Hopkyns, Mr. W. S.
Hossain, Khan Bahadur Maulvi Musharruf.
Huq, Maulvi Ekramul.
James, Mr. F. E.
Liddell, Mr. H. J.
Lindsay, Mr. J. H.
Masih, Mr. Syed M.
Morone, Dr. H. W. B.
Oaten, Mr. E. F.
Rahim, the Hon'ble Sir Abd-ur-.
Rahman, Mr. A. F.
Ray, the Hon'ble Maharaja Bahadur Kshaunish Chandra.
Rai Chaudhuri, Babu Haripada.
Ray Chaudhuri, Mr. K. C.
Roy, Mr. S. N.
Salam, Khan Bahadur Maulvi Abdus.
Sarkar, Maulvi Allah Bukhsh.
Stephenson, the Hon'ble Sir Hugh.
Travers, Mr. W. L.
Villiers, Mr. E.
Woodhead, Mr. J. A.

NOES.

Ahamad, Maulvi Azimuddin.
Ahmed, Maulvi Najmuddin.
Ahmed, Maulvi Zanneer.
Ajoy, Khan Bahadur S. Mahboob.
Bagchi, Babu Romes Chandra.
Baksh, Maulvi Kader.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Satya Kishore.
Banerjee, Mr. A. C.
Barma, Rai Sahib Panchanan.
Basu, Babu Jatindra Nath.
Bose, Babu Bejoy Krishna.
Chakravarti, Babu Jogindra Chandra.
Chakravarti, Mr. Byomkes.
Chakraverty, Babu Sudarsan.
Chatterjee, Babu Umes Chandra.
Chaudhuri, Maulvi Saiyed Abdur Reb.
Chaudhuri, Rai Harendranath.
Chaudhuri, Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Chaudhury, Maulvi Md. Nurul Huq.
Chowdhury, Maulvi Fazlal Karim.
Chunder, Mr. Nirmal Chandra.
Das, Dr. Mohini Mohan.
Datta, Babu Akhil Chandra.
Dey, Babu Sorada Prosad.
Dess, Rai Bahadur Pyari Lal.
Gafur, Maulvi Abdul.
Ganguly, Babu Khagendra Nath.
Guha, Mr. P. N.
Haldar, Mr. S. N.
Hossain, Maulvi Wahed.
Huq, Mr. Mahbubul.
Joardar, Maulvi Aftab Hossain.
Khan, Babu Debendra Lal.
Khan, Maulvi Mahi Uddin.
Lal Mahammed, Haji.
Mahammad, Maulvi Basar.
Maity, Babu Mahendra Nath.
Mitra, Babu Jogendra Nath.
Mitter, Sir Provash Chunder.
Mukerjea, Babu Taraknath.
Quader, Maulvi Abdul.
Raikat, Mr. Prasanna Deb.
Ray, Babu Abanish Chandra.
Ray, Babu Nagendra Narayan.
Ray, Babu Surendra Nath.
Roy, Babu Satcowripati.
Roy, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy, Raja Manilall Singh.
Roy Choudhuri, Rai Bahadur Satyendra Nath.
Sarkar, Babu Hemanta Kumar.
Sarker, Babu Nalliniranjan.
Sasmal, Mr. B. N.
Sen Gupta, Mr. J. M.
Singha, Mr. Arun Chandra.
Suhrawardy, Dr. A.
Tarafdar, Maulvi Rajib Uddin.
Yasin, Maulvi Muhammad.

The Ayes being 39 and the Noes 60, the motion was lost.

The Bengal Food Adulteration (Amendment) Bill, 1925.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: I beg to move for leave to introduce a Bill to amend the Bengal Food Adulteration Act, 1919.

The motion was put and agreed to.

The Secretary then read the short title of the Bill.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: I beg to move that the Bill be taken into consideration. I hope the House will agree that this Bill is one which does not require a reference to a Select Committee. It contains only one clause, and the intention of that clause is shown in a clear and straightforward way in the Bill now before the Council. Section 15 of Act VI of 1919 provides that no prosecution for an offence under that Act shall be instituted without the order or consent in writing of the local authority concerned: it contains no provision for the chairman of a local authority exercising such powers on their behalf, and the High Court has recently ruled in a case from Kurseong that the sanction of the Municipal Commissioners in meeting is required under section 15. As the members of this House are well aware, municipal bodies in the mufassal meet ordinarily only once a month, and it is extremely inconvenient to hold up prosecutions of which the cause may have arisen immediately after a meeting has been held, for a whole month. Generally speaking, the chairman of a local authority exercises the powers vested in such authority subject to the proviso that he should not act in opposition to or in contravention of any orders passed by the local authority in meeting or exercise powers which are specifically reserved to the local authority. This is laid down in the Bengal Municipal Act, section 44, while section 32 of the Local Self-Government Act enables the District Board subject to the control of Government to delegate powers to its chairman. Obviously the power to institute prosecutions is an executive power which may ordinarily be left to the discretion of a chairman of a local authority subject to the control which such authority can always exercise. We merely propose in this small Bill to make power for the chairman to institute prosecutions in municipal areas under the Food Adulteration Act. Such powers have been asked for by more than one local authority, and I hope the Council will agree to pass this small Bill which is necessary in the interests of convenient administration.

Before I formally move this I would ask your permission to alter clause 2 of the Bill which is merely a drafting change and has been made by the Legislative Department.

Mr. PRESIDENT: You shall have to do it by an amendment.

The Hon'ble [redacted] KSHAUNISH CHANDRA RAY Bahadur of Nadia: Yes, Sir.

The motion that the Bill be taken into consideration was then put and agreed to.

Mr. PRESIDENT: I propose to take the Bill clause by clause. I will first take clause 2 and then the preamble and clause 1.

The question is that clause 2 stand part of the Bill.

SECRETARY to GOVERNMENT, DEPARTMENT of LOCAL SELF-GOVERNMENT (Mr. S. W. Goode): Sir, may I have your permission to move that in place of the word " after " the word " to " be substituted. This is a more correct drafting.

Mr. PRESIDENT: Yes, you have my permission.

The motion was then put and agreed to.

The following motion was called but not moved:—

" Maulvi SAYEDUL HAQUE: That at the end of clause 2 of the Bill the following be added, namely:—

' Such order or consent shall be in anticipation of sanction of the Commissioners of the Municipality to be obtained at a subsequent meeting. ' "

Mr. PRESIDENT: The question is that clause 2, as amended, stand part of the Bill.

The motion was then put and agreed to.

Mr. PRESIDENT: The question is that the preamble stand part of the Bill.

The motion was put and agreed to.

Mr. PRESIDENT: The question is that clause 1 stand part of the Bill.

The motion was put and agreed to.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: I beg to move that the Bengal Food Adulteration (Amendment) Bill, 1925, as settled in Council, be passed.

The motion was put and agreed to.

Inclusion of the District of Sylhet in the Presidency of Bengal.

The Hon'ble Sir HUGH STEPHENSON: I beg to move that this Council recommends to the Government that the Government of India be moved to abstain from taking any measures for the inclusion of the district of Sylhet in the Presidency of Bengal on the ground that the financial results would be injurious to Bengal.

On the 19th of August Babu Akhil Chandra Datta moved a resolution in this Council, which was passed, to the effect that the Government of India be informed that the Council was in favour of the inclusion of the district of Sylhet in the Presidency of Bengal. On that occasion I explained the attitude of Government. We were entirely sympathetic to the sentiment behind this resolution but then we wished to examine further what the resolution actually would mean if carried out and we felt that we had not before us at that time the data for examining the questions. I therefore expressed the intention of Government of abstaining from voting if the matter came to a division. Now, Sir, I do not want the Council to think from the form of my resolution that Government have in any way altered their views. The form is in a negative form mainly because an affirmative form would obviously not elicit any real debate, and what the Government of India wished to have is the reasoned opinion of this Council before they decided the question. We want to be quite sure that the Council, whatever vote they give, are not merely expressing a pious wish but are definitely undertaking a real responsibility. We now have the figures supplied by the Assam Government and we have published all the papers and doubtless the members of the Council have studied them. There is no reason to suppose that the Assam figures are weighted in either direction, nor is there any reason to suppose that the Assam Government are interested in making the deficit bigger than it really is, or on the other hand, that they are concealing any deficit. We must, so far as this Government is concerned, take the figures as given to us by the Assam Government. We have no other materials, and we must subject these figures to such examination on general principles as we can. Now the Assam Government figures show a deficit of Rs. 4,31,000 in the district of Sylhet: that is to say, the actual expenditure on the administration of Sylhet is Rs. 4,31,000 more than the revenues derived in that district. These figures do not include overhead charges of any kind: they are merely district charges. Now we have examined these figures with the help of our Finance Department and we have gone on the principle that where there has been a continuous rise or a continuous fall either in the receipts or the expenditure, the last year's figure is taken, as, that obviously is the more correct, and where the figures are more or less constant we have taken the average. Working

on this principle will, I think, be regarded by the Council as reasonable. The deficit according to us is slightly higher than that given by the Assam Government and I am prepared to give the reasons for this to anybody who desires to have them. We make out that the deficit will actually be Rs. 4,62,000. Whether the deficit will be Rs. 4,62,000 or Rs. 4,31,000 according to the Assam Government, the difference is small. But there are certain other figures which are not included in the Assam Government figures which we are bound to take into consideration in this connection. In the first place, the Assam Government figures were for the year 1923-24 that is up to the 31st March, 1924. Therefore it leaves out of account entirely the increased expenditure due to the recommendations of the Lee Commission, as they did not come into force till 1st April, 1924. The same remark applies to certain readjustments in the matter of the Railway Police charges. The Assam Government figures also leave out the leave and superannuation charges paid in England on account of officers employed in the Sylhet district. Further, the Assam Government now pays us Rs. 90,000 as contribution towards the cost of the High Court. I understand that the bulk of the work that comes from Assam to the High Court comes from the Sylhet district, and therefore I think the Assam Government will, if the district of Sylhet is transferred, come up to us with a claim that the amount should be reduced possibly by at least half. Then there are certain other small increases in expenditure which should be taken into account, namely, the charges on account of the Legislative Council, extra printing charges and possibly overhead charges. The addition of a large district like Sylhet may necessitate slight increases in the establishment in the various offices such as the Legal Remembrancer's office and other offices. Well, adding these to the other established deficit, our Finance Department is of opinion that the actual deficit on account of the transfer of Sylhet will not be far short of Rs. 6 lakhs.

Then there is another point. The Assam Government figures of a deficit of Rs. 4,31,000 besides leaving out those various charges that I have just enumerated include the revenue and expenses of the Jaintia Parganas. Now the Government of India in their letter, which has been published, have said very definitely that the question of the transfer of the Jaintia Parganas must be decided not on any consideration of whether we want Sylhet or not but on the sole consideration of what is the most convenient geographical boundary. I do not know the country myself but I am informed that there is very little chance of the Jaintia Parganas being transferred with Sylhet. That of course I can only say comes to me from people who do know that particular part of the country and who say that given that criterion the Jaintia Parganas will not be transferred. I think, therefore, that in considering this question we have at all events to reckon on the possibility (I will even say probability) of our not enjoying the surplus of the

Jaintia Parganas. The surplus from the Jaintia Parganas is Rs. 2,79,000. We must therefore add Rs. 2,79,000 to the deficit of the Sylhet district. Now, if we take over Sylhet district and do not get the Jaintia Parganas the deficit according to our figures will amount to something over Rs. 8½ lakhs. These are the figures of the Assam Government, they are not the Bengal Government figures but they are based on the records of the Assam Government which are administering the district for the time being. These figures of the Assam Government have been impugned in a letter from Mr. Chanda which has been very widely circulated and published in the press. I have had the advantage of a long discussion with Mr. Chanda in company with the Finance Member and we have with him examined all the figures. We examined all the figures he has given us and told him how we got at our figures and we have listened to anything he had to say to show that any of those figures are wrong. I think I am not doing him any injustice when I say that he could not show that any of our figures are wrong. He said that the Assam Government figures must have omitted something. We went into his figures in his published letter and we examined them one by one and I am afraid that Mr. Chanda is asking us to base more on hope than it can possibly carry.

There is nothing in Mr. Chanda's figures which really challenges the Assam Government figures except the statement that next year owing to the resettlement of the Ilam there will be an increase of Rs. 1,25,000 in land revenue. I don't know whether these are official figures which Mr. Chanda cited and I don't know how much of these estates that will be resettled are in the Jaintia Parganas and how much lie in the original district of Sylhet. But giving Mr. Chanda full credit for that and for any economy that may be possible owing to the Jaintia Parganas not coming over we still have a deficit of something like Rs. 7 lakhs.

Now I want to emphasize the fact that it is not the object of this Government to make out a case against the taking over of Sylhet. So far as the taking over of Sylhet is concerned we have no objection. There will be, as far as I can see, no administrative difficulty and no administrative inconvenience; on the other hand I understand from Mr. Chanda that there will be no administrative advantage but there will be sentimental advantage and social advantage. Now all we want is that the Council shall realize what the exact consequence of taking over the Sylhet district is. The Government of India have definitely said that we cannot hope for any assignment or any readjustment of revenue either from themselves or from Assam if we take over Sylhet. Therefore, the position is that if we take over Sylhet we have the recurring deficit of Rs. 7 lakhs. It is no use trying to deceive ourselves by saying that we will find the Rs. 7 lakhs by economy elsewhere; we know we shan't; we know what it actually means is that, taking an optimistic view, for two years we shall have to hold up all further

schemes for increased recurring expenditure in this province. It is being urged that we should not decide a question of this kind by mere sordid financial considerations and the advocates of taking over Sylhet say should we reject a district that is now in Bengal if we found it could not pay. My answer to that is that the onus is on those who wish to alter the *status quo*. Sylhet has been in Assam since 1874 and if we want to alter that position then I only wish the Council to note the exact consequence of it and what exactly is the price they will have to pay for it. If after full consideration the Council decide that the price is worth paying then their decision with the debate will be forwarded to the Government of India with whom the final decision rests and this Government will put no further obstacles in the way, but I do ask the Council not to decide this merely on the ground of sentiment. I do not wish to say a word against the proper weight that sentiment ought to have in matters of this kind but what I want is that the Council should understand that this is not merely expressing a wish, a pious hope, that Sylhet will come over, it is a definite undertaking of the responsibility to meet 7 lakhs of rupees a year in order to take over Sylhet; and do not let us deceive ourselves with the hope that we may scramble out of this. Mr. Chanda in talking it over suggested that we must first decide to take over Sylhet and then discuss the question of what the deficit is and how we are going to meet it. If it turns out that we can eventually reduce this deficit well and good but I want the Council to come to a decision as to whether they are prepared to take over Sylhet with the full knowledge that in all probability we shall have to meet this deficit of Rs. 7 lakhs.

Babu AKHIL CHANDRA DATTA: The ground that is now urged against the reunion of Sylhet with Bengal is the financial deficit of the district. Speaking for myself I must admit that I am labouring under a great disadvantage as regards the figures for we have no information of our own regarding them especially those furnished by the Government of Assam. Let us however examine them as to how far they are reliable. We are told that according to the Assam Government's figures the deficit is Rs. 4 lakhs and odd. When this matter was being discussed in the Assembly at Delhi the Assam Government's representative stated that the deficit was only Re. 1 lakh. That is, Sir, the Assam Government's first version—Rs. 1 lakh, and not Rs. 4 lakhs, or, for the matter of that Rs. 7 lakhs. The Assam Government supplied Mr. Chanda with a statement on the strength of which Mr. Cosgrave made that assertion in the Assembly. I must admit that after that a second revised statement was supplied by the Assam Government in which it was said that the annual deficit was Rs. 4 lakhs and odd. Now the question arises as to how this figure of Rs. 4 lakhs was arrived at. We are told that the average has been taken of some years. We are told that the deficit of the Sylhet district for 1921-22 was Rs. 6 lakhs, in 1922-23 Rs. 4½ lakhs: in 1923-24

Rs. 2,74,000. I would invite the attention of the Council here, Sir, to two things. In the first place, the deficit is gradually decreasing. Now, Sir, when the deficit is gradually decreasing from year to year is it fair to take the average from that? In the second place the deficit for 1923-24 is Rs. 2,74,000 as I have said but we have not been supplied with the figures for 1924-25. This is one side of the shield: now let us turn to the other side. We know that in Sylhet there is any amount of land temporarily settled. All lands are not permanently settled in Sylhet and the Ilam settlement is going to take place very soon which Mr. Chanda's note tells us will give a revenue of about Rs. 1,25,000. I am not sure of the figure. The fact that the revenue will be uniformly and progressively expanding has been, I am afraid, wholly overlooked in considering the figures.

Then we find there is a pargana in Sylhet called Mantala. For reasons which I do not know the revenue of that pargana, although the land is in Sylhet, is paid in Bengal. The Assam figures do not include this amount of Rs. 52,000; the Assam figures also do not include another figure, namely, about Rs. 65,000, the share of receipts from income tax and stamp duty accruing to Assam but paid in Bengal. The share of Sylhet in that is Rs. 51,000. I shall not take the Council through the details of these figures. All these details are known to the Hon'ble Member as he has admitted that he has discussed the matter with Mr. Chanda, and he has been furnished with Mr. Chanda's statement. We find, therefore, that on account of these two items the revenue is not credited to Sylhet, and owing to certain increase that is expected, we have got to increase the revenue by Rs. 1,75,000.

Then there is another item, stamps for instance. On account of the amending Act passed in 1922 increasing the stamp duty, there will be a saving of Rs. 84,000 under this head if Sylhet comes to Bengal, that being the amount paid to Assam out of the Sylhet revenue.

Taking all these facts into consideration, Mr. Chanda has shown that instead of a deficit, there will really be a surplus of Rs. 39,000. These figures were supplied to the Assam Government by Mr. Chanda and they were asked to challenge them. In reply Mr. Chanda was told by the Chief Secretary to the Assam Government that the figures were being examined by the Assam Government. They could not say that the figures were incorrect; they only replied that the figures were being examined. Since then, up till now, I have been told by Mr. Chanda that the Assam Government has not said that these figures are incorrect.

A further objection has been raised here that there will be a rise in expenditure on account of the Lee Commission's recommendations. I should not like to say much on this point, but I really fail to see how the increased prospects of the members of the Civil and other Services are to stand in the way of the transfer of Sylhet to Bengal.

Then about Jaintia Pargana, it has been said that geographically the transfer is undesirable. On this point, I have got a memorial here submitted to the Viceroy by the people of that pargana. In that memorial they say that geographically the pargana constitutes a component part of Sylhet.——

Mr. PRESIDENT: Order, order. Your reference to the Jaintia Pargana; does it arise out of the resolution?

Babu AKHIL CHANDRA DATTA: One of the arguments raised by the mover is that if Jaintia is not transferred, then the deficit will be larger because in Jaintia there is a surplus; and the argument has been advanced that there is no possibility of Jaintia being transferred to Bengal, as geographically Jaintia could not come to Bengal. That was his argument.

Of course, it has been very candidly admitted by the Hon'ble Mover that he does not know much of Jaintia, and therefore if he will allow me, I will tell him what is the opinion of the Jaintia people themselves. They say that geographically Jaintia is a part of Sylhet and not a part of the rest of Assam, and we must remember that there is a surplus of Rs. 2 lakhs there.

Then, Sir, on the question of deficit it is a mere drop in the ocean; a deficit of Rs. 8 lakhs according to the figures of the Bengal Government, a deficit of Rs. 4 lakhs according to the second statement of the Assam Government, and a deficit of only Rs. 1 lakh according to the original statement of the Assam Government, is, I say, a mere drop in the ocean.

One word about these figures; we cannot possibly rely too much on these figures. I do not mean to suggest that they are dishonest figures, but what appears to me is that there are so many figures from so many quarters on this particular matter, that it is quite clear that Government themselves do not know what the correct figures really are.

The matter has been discussed in the Legislative Assembly and Mr. Cosgrave gave the first figures supplied by the Assam Government which gave a deficit of only Rs. 1 lakh. On another occasion the Assam Government says the deficit was Rs. 4 lakhs; all I can say is that too much reliance cannot be placed on these figures. Even supposing that these figures are absolutely reliable, I still say that they are a mere drop in the ocean. We know how lakhs and lakhs are squandered here and there and everyhere and a deficit of Rs. 1 lakh or Rs. 4 lakhs ought not to stand in the way of this transfer.

We must remember that Sylhet was originally a part of Benagal; was it in a state of deficit at the time it was taken over by Assam? *Prima facie*, there is no reason why Sylhet ought to be a deficit district. We have not been told that there is anything extraordinary or unusual in Sylhet which should make it a deficit district. On the other hand, we

know that there are temporarily-settled estates in Sylhet, and there are periodical settlements with the result that there is a rise in revenue. There must be something wrong somewhere in the position of the Assam Government regarding the figures.

Lastly, it has been said that if anybody wants to retransfer Sylhet to Bengal the onus will be upon him. I should put it like this. We are not asking for anything new, we are asking only for the restoration of the *status quo*, and if anybody opposes that, the onus is on that party.

I am only asking this Council and the people of Bengal not to perpetuate the injustice that has been done to Sylhet by separating it from Bengal.

At this stage the Council was adjourned for ten minutes.

After the adjournment.

Mr. W. L. TRAVERS: I should hesitate ordinarily to intervene in a debate of this description where sentiment is so much associated, were it not for two facts: first of all regarding myself, I have recently been able to make personal investigation and have talked to many gentlemen domiciled in Sylhet on this matter, and secondly in regard to the financial state of the question which has been adduced by the Hon'ble Member. First of all, I took the opinion of the educated Hindus upon this question of the transfer of Sylhet to this province. I found in talking to many Sylhet gentlemen that although it is true that there are a very considerable majority of their community in favour of it, yet there are a large number of Hindu gentlemen who object to this transfer——.

Babu AKHIL CHANDRA DATTA: On a point of order. We are not concerned with other reasons; the resolution is concerned with one ground only, namely, the financial deficit.

Mr. PRESIDENT: Mr. Travers you should confine your remarks to the terms of the resolution itself. The resolution is that objection be taken against the inclusion of Sylhet in the Presidency of Bengal on the ground that the financial results would be injurious to Bengal, and not on other grounds.

Mr. W. L. TRAVERS: Do I understand that we are discussing only the financial aspect?

Mr. PRESIDENT: That is so.

Mr. W. L. TRAVERS: Very well, to refer only to the financial aspect, the question is who will be most greatly affected by this change in the long run. Surely there is only one reply to that, it will only affect the raiyats, the cultivators both in this province and in Sylhet. In

this province we know that to a great extent owing to lack of education we cannot obtain the opinion of a large majority of the people of Bengal. If they were able to express their opinion, would they say "transfer Sylhet," or would they say "we should like the sum of Rs. 7 lakhs to be spent in furthering the betterment of water-supply or the social condition of the people". Secondly, to look at it from the financial point of view of the raiyats in Sylhet alone, I am of opinion that in the smaller province of Assam the raiyats of Sylhet will obtain a lower taxation and owing to the smallness of the province, a greater attention from the Government of Assam than in this province. I am of opinion that for the present at any rate it would be wise for this Council to delay this matter until education is far more advanced so that we can obtain the real opinion of the people in the matter.

Maulvi MD. NURUL HUQ CHAUDHURY: I am not concerned with the financial aspect of Sylhet, whether it is a deficit district or it is a growing district. I am much more concerned with the community which I represent myself, I mean the Mussalman community of Bengal. At the present moment, if Sylhet comes back to Bengal, the proportion of Muhammadans in Bengal——.

Mr. PRESIDENT: Order, order. You must confine yourself to the terms of the original motion. The motion deals with the objection to the inclusion of the district of Sylhet in the Presidency of Bengal on the ground that the financial results would be injurious to Bengal. You must confine your remarks to the financial aspect of the question.

Maulvi MD. NURUL HUQ CHAUDHURY: I am not going to speak about the financial aspect.

Dr. H. W. B. MORENO: I should like to oppose the resolution of the Government as moved by the Hon'ble Member. After hearing the speeches of the Hon'ble Sir Hugh Stephenson and Babu Akhil Chandra Datta, I am driven to the conclusion that the old resolution, which the Council passed in August last, should stand. We have heard the Hon'ble Member in charge, who quotes to us certain figures; those figures have been openly disputed by the other side. An old wit has said that there are three things: first lies, next black lies and lastly statistics. I do not place much value on statistics, because statistics usually are a mere juggling with figures. If it be only the financial aspect which stands in the way, then I think very little has been said on behalf of the Government against the transfer of Sylhet to Bengal. It was originally in Bengal and unless and until it can be proved that there will be a serious financial loss to the province as a whole, the old resolution of the Council should stand. The Government are anxious to spend several crores of rupees for putting a few rods of iron across the Hooghly, but they fight shy of including

Sylhet in Bengal for fear of the loss of a few lakhs. Their attitude seems to be that of straining at a gnat while swallowing a camel. I submit, Sir, that no strong case has been made out against the transfer so far as financial considerations are concerned, hence I am opposed to the resolution framed by the Government.

The Hon'ble Sir HUGH STEPHENSON: I had no wish in framing this resolution to exclude any general discussion which any member might have wished on this matter and I may point out that it is Babu Akhil Chandra Datta who has objected to the discussion of the matter on other than financial grounds only. Well, Sir, there has not been, I think, anything in the debate, since I spoke last, which really alters my position. The last speaker displayed a financial insouciance which is exactly what I do not want the House to follow. Turning to Babu Akhil Chandra Datta's argument, he said that at Delhi the Assam representative placed the deficit at Rs. 1 lakh and now the Assam Government are placing it at Rs. 4 lakhs and that, therefore, the Assam figures are unreliable. Well, Sir, at that time it was known generally to the Assam Government that Sylhet was a deficit district, since then they have gone into actual figures and now they have given us the actual figures of deficit. Then, Sir, Babu Akhil Chandra Datta has practically admitted that he does not understand the figures and so far as I can see the whole of his speech is merely a repetition of Mr. Chanda's letter and in the long run it amounts to exactly the same thing as Mr. Chanda's argument, namely, let us trust to Providence to help us and wait for something to turn up. The main argument of Babu Akhil Chandra Datta is that three years ago the deficit was Rs. 6 lakhs, two years ago Rs. 4 lakhs and last year it was Rs. 2 lakhs, and that therefore this year it must be nil. But I would ask the Council whether that sort of argument is the sort of thing which the Council ought to accept when they are coming to a serious decision. It is, as I have said, placing more on hope than it is normally able to carry. We have got the actual figures taken from the Government accounts, and I submit there is no reason to suppose that the figures we have received are incorrect. I think in deciding whether we are going to take over Sylhet or not, we should proceed on the basis of the information before us as to what it is going to cost us. Then, Sir, Babu Akhil Chandra Datta has alluded to the rise in receipts last year; this is an example of certain pitfalls which we must guard against: the last year's figures which show a considerable increase of revenue under "Land Revenue" include considerable arrear collection which was responsible for an increase of something over Rs. 1 lakh. Then Babu Akhil Chandra Datta claimed something like Rs. 50,000 revenue which ought to have been paid in Sylhet, but which was paid in Bengal, that is beside the point, it will not mean any extra receipts if we take over Sylhet; whether the money is rightly paid in Bengal or not,

we have got it and it will not be an additional receipt; all we can say is that if we don't take over Sylhet, they might possibly set up a claim that we should pay to them that amount instead. In any case it does not affect the deficit. Then, Sir, he goes on with Mr. Chanda's letter and alludes to expected receipts on account of income-tax earned in Sylhet but paid in Bengal. Well, Sir, we receive a certain share of the income-tax collected by the Government of India and that share is limited to a certain percentage on the collection over the standard figure. And if we take over Sylhet we shall not get one pice from the Government of India. The whole of the income of Sylhet will go to the Government of India and owing to the fact that——

Dr. BIDHAN CHANDRA ROY: May I ask the Hon'ble Member if the standard figure is fixed or based on percentage?

The Hon'ble Mr. J. DONALD: The standard figure at the present moment is based on the figures of 1920-21 and the Government of India get the income-tax on that standard figure; and if there is anything over the standard figure we get a certain percentage of that.

The Hon'ble Sir HUGH STEPHENSON: Then it is said that we will get about Rs. 84,000 from the stamp duty if Sylhet is taken over, but if you read Mr. Chanda's letter you will find that the stamp revenue is earmarked for a special purpose, namely, water-supply, and for this purpose Rs. 1,36,000 has been allotted to Sylhet. I can find no trace of this payment in the figures submitted by the Government of Assam. If then we take over Sylhet, and if we have to give a definite promise to give this Rs. Rs. 1,36,000 to Sylhet, then the deficit must be increased by this amount. Then, Sir, Babu Akhil Chandra Datta asks why should there be a deficit at all? But as a matter of fact it is a deficit district and we are asked whether we are prepared to pay some Rs. 7 lakhs for the purpose of taking it over and I do ask the Council not to decide anything without full consideration of what it means. If the Council think that it is worth while, by all means let the change take place. But do not vote in favour of taking it over in the hope that afterwards some arrangement may be made to get rid of the deficit. My whole object has been to give the Council certain facts to enable it to come to a reasoned decision on the point—are we prepared to take over the Sylhet district at a considerable cost to us, and if we are, I have nothing more to say.

Dr. BIDHAN CHANDRA ROY: May I inquire of the Hon'ble Member whether Sylhet was a deficit district in 1879?

The Hon'ble Sir HUGH STEPHENSON: That I cannot possibly say.

The motion that the Government of India be moved to abstain from taking any measures for the inclusion of the Sylhet district in Bengal was then put and a division taken with the following result:—

AYES.

Abbott, Mr. E. G.
Addams-Williams, Mr. C.
Addy, Babu Amulya Dhone.
Ahmed, Maulvi Tayebuddin.
Ahsanullah, Maulvi.
Aley, Khan Bahadur S. Mahboob.
Ali, Maulvi Sayyed Sultan.
Birley, Mr. L.
Browne, Mr. P. H.
Campbell, Mr. K.
Chartres, Mr. C. S.
Chaudhuri, Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Coben, Mr. D. J.
Das, Babu Charu Chandra.
De, Mr. K. C.
Dey, Mr. G. C.
Donald, the Hon'ble Mr. J.
Eddis, Mr. S. E. C.
Forrester, Mr. J. Campbell.
Ghuznavi, Nadji Mr. A. K. Abu Ahmed Khan.
Goode, Mr. S. W.
Haq, Khan Bahadur Kazi Zahirul.
Heard, Major-General Richard.
Hopkyns, Mr. W. S.
Hossain, Khan Bahadur Maulvi Musharrut.
Huq, Maulvi Ekramul.
James, Mr. F. E.
Jennaway, Mr. J. H.
Lal Mahammad, Haji.
Law, Raja Rochee Case.
Liddell, Mr. H. C.
Lindsay, Mr. J. H.
Masih, Mr. Syed M.
Oaten, Mr. E. F.
Pahlewan, Maulvi Md. Abdul Jubbar.
Parrett, Mr. P.
Rahim, the Hon'ble Sir Abd-ur-.
Rahman, Mr. A. F.
Ray, the Hon'ble Maharaja Bahadur Kshaunish Chandra.
Roy, Mr. S. N.
Salam, Khan Bahadur Maulvi Abdus.
Sarkar, Maulvi Allah Bukhsh.
Snaith, Mr. J. P.
Stephenson, the Hon'ble Sir Hugh.
Travers, Mr. W. L.
Woodhead, Mr. J. A.

NOES.

Ahamad, Maulvi Asimuddin.
Ahmed, Maulvi Najmuddin.
Ahmed, Maulvi Zanneer.
Bagchi, Babu Romes Chandra.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Satya Kishore.
Barma, Rai Sahib Panchanan.
Basu, Babu Jatindra Nath.
Basu, Babu Sarat Chandra.
Bose, Babu Bejoy Krishna.
Chakravarti, Babu Jogindra Chandra.
Chakravarti, Mr. Byomkes.
Chakraverty, Babu Sudarsan.
Chatterjee, Babu Umes Chandra.
Chaudhuri, Maulvi Saiyed Abdur Reb.
Chaudhuri, Rai Narendranath.
Chaudhury, Maulvi Md. Nurul Huq.
Chunder, Mr. Nirmal Chandra.
Das, Dr. Mohini Mohan.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Dey, Babu Sureda Prosad.
Doss, Rai Bahadur Pyari Lal.
Gafur, Maulvi Abdul.
Ganguly, Babu Khagendra Nath.
Goenka, Rai Bahadur Badridas.
Guha, Mr. P. N.
Haldar, Mr. S. N.
Haq, Shah Syed Emdadul.
Huq, Mr. Mahbubul.
Joardar, Maulvi Aftab Hossain.
Khan, Babu Debendra Lal.
Khan, Maulvi Amanat.
Khan, Maulvi Mahi Uddin.
Mahammad, Maulvi Basar.
Maity, Babu Mahendra Nath.
Mitra, Babu Jogendra Nath.
Mitter, Sir Provash Chunder.
Morens, Dr. H. W. B.
Mukerjea, Babu Taraknath.
Nasker, Babu Hem Chandra.
Neogi, Babu Manmohon.
Quader, Maulvi Abdul.
Raikat, Mr. Prasanna Deb.
Ray, Babu Abanish Chandra.
Ray, Babu Nagendra Narayan.
Ray, Babu Surendra Nath.
Ray Chaudhuri, Raja Manmatha Nath.
Roy, Babu Manmatha Nath.
Roy, Babu Satcowripati.
Roy, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy, Mr. Tarit Bhusan.
Ray, Raja Manilal Singh.
Ray Choudhuri, Rai Bahadur Satyendra Nath.
Sarkar, Babu Hemanta Kumar.
Sarkar, Babu Naliniranjan.
Shamal, Mr. B. N.
Sen, Mr. N. C.
Sen Gupta, Mr. J. M.
Singha, Mr. Arun Chandra.
Taraidar, Maulvi Rajib Uddin.
Yasin, Maulvi Muhammad.

The Ayes being 46 and the Noes 64, the motion was lost.

Contribution towards the cost of the Bally Railway Bridge.

The Hon'ble Mr. J. DONALD: I beg to move that this Council recommends to the Government to accept the principle that the local Government should contribute towards the cost of the Bally Bridge with a view to the provision of roadways for ordinary traffic.

I have no doubt that hon'ble members of this House are aware that it is the intention of the railway authorities to build a railway bridge across the Hooghly near Bally, about 7 miles north of Calcutta, in connection with the Calcutta Chord Railway. This is not a new scheme, it is indeed an old one, and the subject of alignment, waterways, railway approaches came under the consideration of Government more than 10 years ago. When the railway project first came up in 1915, the President of the Bally People's Association asked Government to provide a roadway along the railway bridge. Inquiries were then made as to whether the local authorities in the neighbouring municipalities and district boards would contribute anything towards the cost of the project, but there was very little response. The war then held up the scheme till 1921. Then came along the Committee which dealt with the problem of rapid transportation in and around Calcutta, and they gave it as their opinion that the Howrah Bridge was insufficient to meet requirements at the present time, and they recommended the provision of a roadway over the Bally Bridge. About this time the railway authorities asked us whether roadways should be provided over the bridge, and we asked them how much it would cost. They answered that the cost of providing two roadways and two footpaths would amount to Rs. 126 lakhs. We decided, and replied, that it was desirable to provide the roadways, but in saying so to the railway authorities we added that our opinion should not be regarded as conveying any sort of understanding that the local Government would finance these roadways, should they be required eventually. We understood then that the bridge would be designed with the object of utilizing the proposed roadways as railway tracks later on if occasion arose. In the beginning of 1923, we were told that a railway bridge carrying two lines was sufficient for railway requirements and that if roads were required we should have to pay for them; there was no intention of subsequently utilizing them for railway tracks, and if we did not pay for the roads, they would not be incorporated in the design of the bridge. We commented then on the high cost of the proposed roadways—Rs. 126 lakhs, and said that we could not afford to pay so much and asked if it could not be done cheaper. After some time we were informed that, owing to the price of steel work having diminished and to various modifications in the design, the figure would be Rs. 46 lakhs. Our opinion was that Rs. 46 lakhs was too much. So we dropped the idea. Let it be remembered that this figure related only to the cost of the roads. It was the price to be paid over and above that required for the bridge as

a railway bridge only, in order to provide for roads. As I say, we thought it too much and dropped it. But the people of Bally would not allow the matter to rest, and they approached us again and asked us to see that roadways were provided. We accordingly again tackled the railway authorities and asked them if it could not be done cheaper; in their reply, they gave us the estimate on which I now make this motion. The figure which the railway authorities now give us as to the cost of the roadways and two footpaths is Rs. 24¾ lakhs, *i.e.*, for complete roadways on the bridge. But we could do without all the roadways in the first instance. What is first wanted is the incorporation in the bridge of the structure necessary to carry roadways. The proposal is for two roadways, one on either side of the track. We could have the structure necessary for these roadways only and do no more if we did not have the money to complete it. The incorporation of the necessary structure would cost Rs. 13¾ lakhs. In any case we need not commit ourselves to having two roads until traffic demands it. We could now build one roadway over the bridge with an approach on either side of the river—one into Bally, at the other end into Baranagar. Rupees 11 lakhs is the sum required to add the two roads to the main structure as designed to carry roads and half of that would do for one road only. We could for the present have only one road and build the second one when traffic demands it. Then, we must have approaches on both sides of the river which will cost roughly about Rs. 7 lakhs. So we could start, with one road at a cost of Rs. 26 lakhs. Let me emphasize that all these figures refer only to the roads and have nothing to do with what the Government of India or the railway authorities will have to pay for building the bridge as a railway bridge only. The figure is over and above what the railway authorities will have to pay for a purely railway bridge. There is nothing in it which the Government of India would have to pay for themselves in the construction of the bridge. Then there is maintenance. For the two roadways the figure is Rs. 9,000 annually. For one road it would be Rs. 4,500. The total cost of one road would be Rs. 26 lakhs which we would not have to pay out of revenue; we would borrow the sum. The annual charge on this would be about Rs. 1,60,000. It is hardly possible to say now what traffic there would be over the bridge when it is first constructed, but if we make a slight comparison with traffic over the Howrah Bridge, we can take it that the traffic would be such that we could raise about Rs. 50,000 from tolls. I would not be unduly optimistic and would not reckon on more than this at the outset. Taking this figure then the liability on our revenues would be a little over Rs. 1 lakh only. As traffic increases, that liability will diminsh, and later on we could build the other road as traffic demands.

This is not a very expensive scheme for a bridge. We could never expect to build a bridge over the Hooghly at anything like this figure.

We are getting a great opportunity of building a bridge across the river at a very cheap rate—at the cost of a few lakhs only, whereas if we had to build a bridge ourselves, the sum would run into crores. It may be said that as we are getting a new Howrah Bridge, that will improve communications, and that the Bally Bridge is not wanted at all. What I have gathered about the feeling in regard to the Howrah Bridge is that the new bridge must be constructed as cheaply as possible at the least possible cost. If that is so, you will get a bridge sufficient for present-day needs, but it will not suffice for conditions prevailing not many years hence. But leaving aside any consideration affecting Howrah Bridge, can anybody say that a single bridge is sufficient for a large industrial and commercial area stretching miles up and down the Hooghly on both sides of the river? It is unthinkable. In any other city only one bridge connecting the two sides of the river dividing the industrial areas would be considered hopelessly inadequate. Two, three, even four, bridges would not be considered too many, and the time will come when Calcutta will have to be connected with Howrah and the other areas on the west bank of the Hooghly by more than one bridge. Look at the delay, the extravagance and waste involved in carrying goods from Bally and the north all the way down to the Howrah Bridge and then away up north again to the north of Calcutta. The congestion is bad enough—it will be worse in future. Now we have got an opportunity of getting a bridge at a cost trifling as against the expenditure which will have to be incurred later on if we have to build another bridge. If we miss this opportunity, we shall never get it again. The railway authorities are going to build this bridge for railway traffic and if we say that we will help them by a contribution they will allow us to build roadways across that bridge for vehicular traffic. If we lose this chance, the opportunity will go for ever. We have waited for four years to give an answer to the Railway Board and they cannot wait any longer. We must decide at once as to what we are going to do. We must decide this to-day and we must tell the Government of India to-day whether we will take this opportunity of having a good bridge at a very low cost. It is now for the Council to say whether they will take advantage of it.

Dr. H. W. B. MORENO: May I ask the Hon'ble Member whether there would be one roadway over the bridge?

The Hon'ble Mr. J. DONALD: The bridge would be designed to have two roadways, one on either side, the railway lines being in the centre.

Dr. H. W. B. MORENO: Two roads connecting the same area?

The Hon'ble Mr. J. DONALD: Yes.

Mr. CAMPBELL FORRESTER: May I ask the Hon'ble Member if this bridge is to carry two wings?

The Hon'ble Mr. J. DONALD: That is so.

Sir PROVASH CHUNDER MITTER: The resolution moved by the Hon'ble Mr. Donald is that this Council recommends to the Government to accept the principle that the local Government should contribute towards the cost of the Bally Bridge with a view to provide roadways for ordinary traffic—vehicular and pedestrian. Sir, in his speech he took particular care to explain what the cost of the Bally Bridge would be but so far as I could gather I have not heard anything on the question of principle referred to in the Resolution. Sir, there are some difficulties that I feel on the question of principle and I hope that my Hon'ble Friend in his reply will explain them. The first point to which I desire to draw the attention of the House is this: The Bally Bridge admittedly is a railway measure so far as the immediate railway traffic is concerned and it is undoubtedly the duty of the railway to provide for the cost of the bridge. We are on common ground there. We are not asked to pay anything for the cost of what is the immediate necessity for railway traffic but we are asked to contribute towards the cost of roadways for pedestrian and vehicular traffic.

Mr. KIRAN SANKAR ROY: On a point of order, Sir? May I know whether Sir Provash Chunder Mitter is moving an amendment?

Mr. PRESIDENT: It is quite plain that it is not a point of order, Mr. Roy.

Sir PROVASH CHUNDER MITTER: Sir, the pedestrian and vehicular traffic over the bridge will undoubtedly benefit the railways—will undoubtedly add to their traffic and from that point of view it is something which one would ordinarily expect the railway to pay for. In the past so far as my limited knowledge goes in most railway bridges pedestrian traffic is provided for and also in some cases vehicular traffic. Therefore, on a question of principle, it cannot be taken as well-accepted, in every case that the local Government should pay for pedestrian and vehicular traffic. Now, assuming that the principle is accepted by Government—assuming that the local Government should pay because the local public will get some benefit, I would put it to my Hon'ble friend opposite. Does the Government of India propose to apply the same principle in the case of the Howrah Bridge? In the case of the Howrah Bridge undoubtedly the local public will be benefited but I can assert with equal confidence that the Government of India which will be realising perhaps 18 to 20 crores from this town of Calcutta will be substantially benefited. Will the same principle be applied in the case of the Howrah Bridge? Another question to my hon'ble friend. Under

section 135 of the Railway Act it is provided that "notwithstanding anything to the contrary in any enactment or in any agreement or award based on any enactment the following rules shall regulate the levy of taxes in respect of railways and from railway administrations in aid of the funds of local authorities, namely—A railway administration shall not be liable to pay any tax in aid of the funds of any local authority unless the Governor-General in Council has, by notification in the official Gazette, declared the railway administration to be liable to pay the tax". Now a railway running through a district does not pay a single pice by way of taxes—such as road-cess or public works cess—to the District Board—a railway which has valuable constructions within a municipality stands on a substantially different footing from ordinary rate-payers in the matter of payment of municipal taxes. I ask you seriously is it just and proper that the railway administration which gets every benefit from the local administration not to pay its just dues? If it comes to a question of principle and justice, it is only fit and proper that the railway administration should make suitable contribution to the local bodies for the advantages they enjoy. When justice is done to the local bodies, it will be time for the railway administration to come forward and make this demand. There is another aspect of the question affecting the principle. We all know that Bengal is financially very badly off.

We all know that the local Government can hardly carry on and discharge its just responsibilities towards the people of Bengal. In this state of the finances of Bengal has the Government of India done justice to Bengal? Has the Government of India which is responsible for the good government of India including my province, namely Bengal, shown a legitimate desire to discharge that responsibility by placing the local Government of Bengal in funds? So far as we are aware that desire has been singularly absent. Sir, we find our province steeped in ignorance, villages without drinking water and the middle classes without employment. Has the Government of India which is ultimately responsible for the good government of the people of Bengal shown any alacrity to place adequate resources at the disposal of the Government of Bengal to enable that Government to discharge its duties towards them? If it had done so, if it had placed the Government of Bengal in funds, we should not have grudged the few lakhs now required. Sir, I am one of those who believe that additional arrangements in the bridge for vehicular and pedestrian traffic will undoubtedly benefit the local public. By "local public" I do not mean merely the people of Bally. I mean a good portion of the town of Calcutta, a good portion of the commercial and mercantile interests of Calcutta and also many town on this side of the river, but the interests of these localities compared with the vast interests of the province are not very large. Here is a proposition by which we are asked to take money from the general tax-payer of the province

and we are asked to vote on a question of principle. I should like to hear more about the justification of this principle. I find that my Hon'ble friend, the Finance Member, is shaking his head, perhaps he is ashamed of his handiwork, perhaps he now thinks that the introduction of the word "principle" in the drafting of the resolution is something which should not have been done. But better late than never.

Shortly, the point is this—that no case has been made out by my hon'ble friend in his opening speech by which he can convince us that we should pay for the roadways on the Bally Bridge. If we hear further arguments in this connection we will give the matter further consideration.

Babu AMULYA DHONE ADDY: May I ask the Hon'ble Mover of the resolution as to what is the exact amount that we are asked to contribute towards the construction of the roadways, whether it is a lump sum contribution or an annual one; and if an annual one, for what period?

The Hon'ble Mr. J. DONALD: The amount would be met by a loan spread over about 50 years, involving an annual charge of about Rs. 1½ lakhs.

Rai Sahib PANCHANAN BARMA: In the United Provinces also there are railway bridges on which there are roadways for wheeled and vehicular traffic. May I know if the United Provinces Government contribute something towards the construction and maintenance of the roadways on the bridges there?

The Hon'ble Mr. J. DONALD: I am sorry I have no information on this point.

Babu DEVI PROSAD KHAITAN: The question that arises out of the resolution and as enumerated by my hon'ble friend Sir P. C. Mitter is in fact one that would ordinarily go to the root of the whole matter, namely, the question of the principle that the local Government should contribute towards the cost of the Bally Railway Bridge with a view to the provision of roadways for ordinary traffic. I understand Sir P. C. Mitter to mean that although it might be desirable to have roadways for ordinary traffic attached to the Bally Bridge this House should not commit itself to the principle that the local Government should always contribute towards the cost of railway bridges in order to provide for roadways. Personally speaking, Sir, I cannot understand why the Government resolution has been worded in this manner. It would, perhaps, be sufficient to have asked this Council in the circumstances relating to this question that in as much as the Government of Bengal has been unable to get the Government of India pay

for the construction of roadways to be attached to the Bally Railway Bridge this Council should recommend to the Government that as a special case such expenses should be contributed. I do not know if at this stage my hon'ble friend Mr. Donald can alter the resolution in odrer to make it more acceptable to the House. If it were possible perhaps the objection that has been raised by Sir P. C. Mitter would at once disappear.

As regards the question as to whether the local Government should contribute towards the provision of roadways or not it depends really on the endeavours that the Government of Bengal has made to induce the Government of India or the railway authorities to follow the usual procedure of providing for roadways attached to railway bridges as exist in the case of the bridges at Benares, at Allahabad and several other railway bridges which need not be mentioned. I hope and trust that the Government of Bengal has put forth sufficient endeavours to induce the railway authorities to follow the same principle. It would be better if the Government took the House into confidence and stated what endeavours they have in fact made in the matter. So far as the question itself is concerned I believe the House will not be prepared to give up roadways attached to the Bally Bridge. There can be no doubt that it is a matter of great importance to have roadways attached to a bridge. The provision of roadways on the Bally Bridge has always been of great importance in coming to a decision about the Howrah Bridge. Calcutta is no doubt expected to expand towards the north. If it does, it is very necessary apart from commercial interests to have a link for vehicular traffic as proposed apart from road traffic between Bally and Calcutta. It would not only help jute and other stuffs to come from the western side to the eastern side, to Shambazar, Hatkhola to Cossipore, etc., but it would also help those living on the western side of the river without having to come across by way of walking Barabazar, etc. It will surely relieve the congestion of traffic that ordinarily prevails on the Howrah Bridge and this traffic will no doubt expand unless there be another connecting link between Calcutta and Howrah. Personally speaking I feel that not only two bridges are required to connect Howrah and Calcutta but three or four bridges should be necessary in order to give the necessary facilities to traffic. In this fact of the matter I believe the House should not for ever give up the possibility of having roadways attached to the Bally Bridge.

As to whether this resolution should be accepted in its present wording or not is surely a matter on which Government ought to enlighten us further. It may perhaps be possible for my friend the Hon'ble Mr. Donald to withdraw the present resolution and bring it in a better and more suitable form in the January session next year. If it is not possible to do so I hope, Sir, you will be able to give permission to Mr. Donald to alter the resolution in order to get rid

of the difficulty about the principle so that it may be more acceptable to the House. But I strongly feel that the House should not give up the hope of having roadways attached to the Bally Bridge because if this opportunity is lost I fear that we lose the opportunity for ever.

The Hon'ble Mr. J. DONALD: If it is permissible, Sir, and it would avoid discussion on the principle, I would like to have the resolution amended in the form in which it was originally sent in from the Public Works Department.

Mr. PRESIDENT: If the original form was disallowed, I cannot of course allow it now. However, please write out your amended resolution and have it handed over to me when I will consider it.

Dr. BIDHAN CHANDRA ROY: It is an irony of fate that the Hon'ble Mr. Donald should have brought forward his resolution immediately after the Hon'ble Sir Hugh Stephenson's. There one Member of Government was pleading "do not take Sylhet because it is a deficit district; we have not got the money to pay." Here Mr. Donald says "have another roadway at a commitment of Rs. 1½ lakhs for the next 50 years." Sir Hugh Stephenson said that Mr. Chanda had built upon hope, that although the deficit which was Rs. 6 lakhs 3 years ago has become Rs. 3 or 4 lakhs in 1923 and last year it was only Rs. 2 lakhs, although Mr. Chanda thinks it may be nothing in future, yet do not depend on hope. Mr. Donald says "on the other hand, it may be that if the traffic increase we may realize more from tolls on those who use the bridge—perhaps by the imposition of octroi taxes."

I have heard Mr. Khaitan very carefully and his proposition no one disputes. There is one roadway now, if there are 10 roadways to connect the two sides of the river it will certainly facilitate the transport of goods and people who travel from one side of the river to the other. The question is, can we put this principle into practice under the present conditions? Is it possible for any member of the Council to agree to a proposal of practically putting by Rs. 1½ lakhs for the next 40 or 50 years when there is no money for more urgent proposals which are necessary for the good of the people of this country. I know, if such a suggestion were made to Mr. Donald his reply will be, at least I can prophesy, what it will be. He will say "where is your scheme?" This is the answer he gave last time when a similar proposal was put before him for acceptance.

May I ask the Hon'ble Member, who are the people that are likely to benefit immediately by the creation of the bridge? Is it not a fact that the great number of people who will be benefited by this scheme are those mill people living in Bally, Serampore, etc., on one side of the river and those living on the other side in Barnagore and

the mill areas. The creation of a bridge will facilitate the transport of their goods. Is there any proposal to ask these big mill-owners to contribute towards the cost of the bridge. I asked Mr. Donald if he thought it possible to raise Rs. 1¼ lakhs in tolls from the people whose goods will travel over the bridge, but he had no data on which he could depend and give me this assurance.

My friend, Mr. Khaitan, said that it will relieve the congestion on the Howrah Bridge. I think no one doubts that. But to what extent? My next point is that the Hon'ble Mr. Donald is asking us to agree to a principle, the principle being that there should be a bridge with a roadway. I feel that the moment we agree to the principle, we commit ourselves to the expenditure of a certain amount of money. Sir, if we tell the Government of India that we agree to the principle of having a roadway, it would mean that the Government of India will have to put heavier joists and girders so as to carry the extra roadway on either side of the railway lines, and I am sure the Government of India are not going to depend on the principle and not ask us to pay our share for the cost of the heavier joists. Therefore, it is not a question of accepting any principle, but the question is: Can we under the present circumstances afford to pay from the Bengal Government Rs. 1½ lakhs annually for the next 40 years, for the purpose of connecting by a bridge two portions on either side of the river, when we know nothing of the amount of the traffic which will pass over it. I would ask the Hon'ble Member to give us the figures, as it will convince us that the traffic is sufficient to enable the Government to realize Rs. 1¼ lakhs in tolls; but the Hon'ble Member is not sure of these figures. Therefore, under these circumstances, I, and others who feel like me, would strongly oppose this motion.

SECRETARY to GOVERNMENT, PUBLIC WORKS DEPARTMENT (Mr. G. C. Dey): I beg to move formally an amendment to the resolution which stands in the name of the Hon'ble Mr. Donald. I beg to move that the words "to accept the principle" be omitted. The amended resolution would then read as follows:—

> "This Council recommends to the Government that the Local Government should contribute towards the cost of the Bally Railway Bridge with a view to the provision of roadways for ordinary traffic."

Mr. PRESIDENT: I admit the amendment. The debate will now proceed on the new draft.

Dr. BIDHAN CHANDRA ROY: Will those members who have already spoken on the original motion be allowed to speak on the amended resolution now before the Council?

Mr. PRESIDENT: A member will certainly be allowed to adduce new arguments but not to repeat old ones.

Maulvi WAHED HOSSAIN: So far as the question of Bally Bridge is concerned, I think, there is some doubt, at least in my mind, as to whether the construction of this bridge will lessen the cost of construction of the Howrah Bridge. I raise the question, because this is directly connected with the question of cost of construction of the Howrah Bridge. I understand that the Howrah Bridge requires Rs. 13½ lakhs annually and the construction of the Bally Bridge—I mean the foot-paths—will require Rs. 45 lakhs and Rs. 2 lakhs for upkeep. Now, there are two proposals before the House—one is under the consideration of the Select Committee on the Howrah Bridge Bill and the other is that if we pay Rs. 2½ lakhs for one bridge whether it will have a direct effect of lessening the cost of the other bridge, *i.e.*, the Howrah Bridge, or of lessening the dimension of the bridge as originally proposed by the Committee of Engineers appointed in 1912 and subsequently by another Committee of Engineers who recommended the construction of the bridge which is now under consideration. I can understand one thing, Sir, if the construction of the Bally Bridge will lead to the reduction of the amount of cost required for the Howrah Bridge, then, of course, it is a consideration which we may take cognizance of, but if we are required to pay twice—once for the Bally Bridge and again for the Howrah Bridge—then the question assumes a serious aspect. No doubt it is admitted that the construction of pathways attached to the Bally Bridge will divert a considerable portion of traffic from Calcutta and in that case it ought necessarily to follow that the Howrah Bridge need not be of that dimension and would not therefore involve that amount of expenditure. But we are not in possession of any facts, neither have we any information on this point, *viz.*, whether the one will react on the other. When we know this, then it will be for us to consider whether we are going to make two instalments of payment for two bridges.

Mr. C. B. CHARTRES: This resolution brings forward an aspect which to my mind is extremely important not only to Calcutta but to a very large area of Bengal. The traffic in this area has increased at a rapid space during the last 20 or 30 years, and if the rate of increase in traffic continues it is not one bridge that will be required in the next 50 years, but two or more bridges—and the point about this resolution is that it seems to give us an opportunity of getting a second bridge over the Hooghly at a very, very low cost to Bengal. If the opportunity is missed now, as the Mover has said, it will never recur, and the reason for that is that in order to provide the extra accommodation in the bridge the original plans for the bridge and the designs must be made so as to incorporate the extra dimensions and the extra strength required to accommodate road traffic as well as railway traffic.

Secondly, the whole design of the bridge must be dealt with from the foundation upwards. It is not a question of merely providing some steel work but it has got to be thought out and applied *ab initio*, from the very start, and as we all know the proposal to build this bridge has recently been sanctioned by the Secretary of State, and the railway authorities have already appointed a special Engineer to start with the actual erection of the bridge. So, if this alteration in the new design is to be made, there is not a minute to be lost. It is not a question of having the discussion next session. I understand that the designs are already very well forward and if this alteration is to be incorporated, it will have to be done at once. The start on a new design will have to be taken in hand immediately. The consequence is that this Council is now asked to make up its mind as to the desirability and the necessity for this expenditure. Everybody who has so far taken part in the debate has admitted the necessity or rather the desirability for the provision of this accommodation. The amount of traffic that has now to make a detour in order to get from one side of the river to the other is very considerable, and in estimating what it would cost Bengal to have this bridge built, we have got to allow a very large credit for the very large saving which will accrue to all users of that bridge. At the present moment bullock carts have to go round by Howrah in order to get to the other side of the river and I should imagine that the actual advantage to the users of carts and lorries after the bridge is built would be very considerably more than Rs. 1½ lakhs per annum which it is estimated the bridge will cost Bengal. There is a second proposal which, I understand, the Hon'ble Mover had in his mind, and that was if this Council authorized Government now to contribute towards the cost of the bridge, Government would tell the railway authorities that they must include in their designs for the bridge the necessary provisions for carrying the road traffic—but that does not mean necessarily that we commit the Government now to provide the whole cost of building a complete bridge at once. As far as I understand the actual alterations which the railway authorities will have to make in order to provide this accommodation is Rs. 13¾ lakhs, and that is the first payment the local Government will be called upon to make probably within the next two or three years. After that it is open to Government at any time to proceed with the balance of the expenditure, first to put one-half of the bridge, as the Hon'ble Mover has explained, and, secondly, to complete the bridge mainly for extra traffic when it demands it. Admitting that a second bridge is of necessity to Bengal which I think most members will do, it seems to me that any dilatory motion now or any vote against this motion will involve very great hardship to Calcutta principally and to all parts of Bengal in and about Calcutta, due to the fact that if a second bridge comes to be built in, say, 30 years' time, the cost of building such a bridge then will be perhaps

Rs. 2 crores instead of the maximum cost under this arrangement of Rs. 46 lakhs. I therefore strongly urge the House to agree to the amended resolution now before the Council and enable the Government to arrange with the railway authorities to have this bridge designed and built so as to accommodate the road traffic.

Babu AMULYA DHONE ADDY: I am opposed to this resolution on several grounds. We are informed that we shall have to contribute Rs. 1¾ lakhs a year—not for a year or two, but for a period of 50 years continuously. Thus within this period the total amount of contribution will be not less than Rs. 80 lakhs. It has been stated that it is not on principle, but as a special case that this contribution has been asked for. I beg to submit that it would be a very bad precedent. We have been called upon to contribute towards the cost of a railway bridge with a view to the provision of roadways for ordinary traffic and this precedent will be applied in the case of similar bridges. Therefore, if we commit ourselves to this resolution, I am afraid, we shall have to sanction similar contributions now and then. Sir, it has been stated that there will be heavy vehicular traffic and pedestrian traffic over this roadway along this bridge, but I beg to submit that, as this will connect Bally with Ariadaha on the other side of the river Hooghly, I doubt whether the traffic will be so heavy as contemplated. It has been stated that it will be similar to that over the Howrah Bridge, but I beg to submit that the Howrah Bridge connects the two terminal stations in Howrah, *viz.*, the East Indian Railway and Bengal-Nagpur Railway with Sealdah which is the terminal station of the Eastern Bengal Railway. I therefore do not think that the traffic will be so heavy as is contemplated.

Now, Sir, I am further of opinion that this is really a scheme of the railway authorities and, therefore, the Government of India should pay for it. We all know that in the case of the Howrah Bridge the Government of India has declined to make a contribution of even Rs. 5 lakhs a year but at the same time I find that they have agreed to make some contribution provided we commit ourselves to an expenditure of more than Rs. 6 crores. Sir, the financial condition of the Government of Bengal is a deplorable one. It is with the greatest difficulty that we have been finding our means. It is because of this state of finances that the Government is unable to meet sufficient funds for the encouragement of primary and technical education. We all know that it is on account of inadequate finances that we have not been able to have proper water-supply in the mufassal. As regards the finances of the Government of India, as it appears from the report issued that, in the year 1886 the amount of income-tax from Bengal alone was Rs. 38 lakhs, but in the year 1920 it has been increased to Rs. 8 crores and 40 lakhs. Similarly, in the case of railways in 1875

the total amount of revenue from railways in India was Rs. 4 crores and Rs. 50 lakhs, but in the year 1924 it increased to more than Rs. 2 crores. In the case of Customs duty in India in 1862 it was Rs. 2 crores and Rs. 80 lakhs, but in 1924 it went up to Rs. 45 crores. It thus appears that the state of the finances of the Government of India is a satisfactory one; and as it is an imperial question in which the railway authorities are vitally interested, it is the Government of India which should pay for it. We, the members of this Council, should not be called upon to make any contribution towards this scheme.

Mr. PRESIDENT: I admitted the amendment of Mr. Dey without any objection. But in order to enable the discussion to continue on the amended form, I think I should put the amendment formally to the House.

The question is that from the motion of the Hon'ble Mr. J. Donald the following words be omitted " to accept the principle ". Those who are in favour of the amendment will say " Aye " and those of the contrary opinion will say " No. "

The motion was put and agreed to.

Mr. K. C. RAY CHAUDHURI: Sir, I could not follow the arguments of Dr. Roy. If we can afford to spend Rs. 5 lakhs on Sylhet for sentimental satisfaction surely we can spend Rs. 1½ lakhs for a solid thing and for having extra traffic facilities over Bally Bridge proposed in the resolution. I cannot also understand the reason why Sir Provash Chunder Mitter should oppose this resolution merely on the ground that the Government of India have not offered help to us in other matters. It is no use saying that, because the Government of India refused to contribute for the Howrah Bridge, therefore, we shall also refuse help towards the construction of roadways over Bally Bridge. The present question should be decided on its own merits and not in a spirit of retaliation. That would be like cutting one's nose to spite one's face. Maulvi Wahed Hossain seems to agree that the roadway is a necessity but he has his doubts as to whether the extra facilities over the Bally Bridge will reduce the cost of the Howrah Bridge. Well, Sir, that is a matter for the engineers to say. We should only consider the principle here. Sir, those who live on either side of the river in the north of Calcutta know to their cost what a terrible condition prevails there owing to the want of bridge and vehicular facilities. I am sure if we do not pass this resolution we will be condemned by people living on both sides of the river. Those who live there know that the ferry service brings good income, and we also know how frequently accidents happen in ferry boats which are of antediluvion type. Only the other day a terrible accident had happened near Tittagarh costing several human lives. Then, Sir, from the point of view of industry—I mean the working classes and labour

is a part of our industry—we all know that most of the working people work on either side of the river and they have to use country boats in many places to come to their work and it would be of the greatest benefit to them if roadways are made on the proposed Bally Bridge. We must judge this question from this stand point: whether we are getting our money's worth, that is to say, whether it would provide adequate facilities for people on both sides of the river and remove the terrible congestion of traffic on Howrah Bridge and in Grand Trunk Roads on either side of the river. I am therefore strongly in favour of this motion.

Maulvi ABDUL CAFUR: I will only speak a few words on this resolution. Sir, my friends on the other side of the House think that we ought to have this bridge because it would prove of benefit to us but, Sir, they forget that we deserve many things under the sun which we cannot afford to have. The only question is whether our financial condition would permit us to have this bridge. The question is whether we can pay for this bridge and if we cannot pay, what is the use of passing this resolution. We all know that Bengal is heavily taxed and that we cannot afford to pay a large sum of money for 40 years. How can we pay when the Nation-building Departments are starved? Every department is being starved. If our funds would permit we can have this project, but as our funds do not permit it my submission to the House is that we should not support this motion.

Mr. N. C. SEN: I congratulate the Government for deleting the word "principle". It is an exceedingly inconvenient word and the frank admission that principle is not consistent with Government action is something on which I can really congratulate Government.

Mr. PRESIDENT: The discussion must proceed on the amended resolution and not on the original resolution.

Mr. N. C. SEN: Still the word "principle" can come in the amended resolution. What is the principle on which the contribution is asked for. If Bengal is going to be benefited by the scheme surely Bengal ought to contribute towards its cost. But if we apply this principle to another matter with which we have to deal, *viz.*, the Howrah Bridge, we can point out that not only Bengal but the whole of India is benefited by the Howrah Bridge. If we apply the principle of "benefit", the Government of India is bound to contribute towards the cost of the Howrah Bridge but we understand they are not at all willing to do so. But as the Bally Bridge is going to benefit the people of Bengal, therefore we must pay. Sir, I fail to understand this idea of principle. Surely, there ought to be one rule for all. Sir, we are all familiar by now with the interpretation of "co-operation" which means "I order, you pay, you demand, I refuse". We have heard this from Whitehall, from Simla and from

the local Government and the Government are quite thorough in this matter. They have all been telling us that this is the proper definition of co-operation. The Government of Bengal must pay when the Government of India make any demand, but if the local Government want the co-operation of the Supreme Government they will get their refusal. The response must always be on one side. India must respond when England demands and England must refuse when India demands anything. When the Government of India demands Bengal must respond but when Bengal demands the Government of India must refuse. The Government of India are taking away by way of taxes a great deal of money from this province and are they not in duty bound to spend some portion of it on this province? But instead of that they will pass orders and expect us to pay. We shall be wanting in self-respect if we contribute to the Bally Bridge when the Government of India have not only refused to contribute towards the Howrah Bridge but even they have refused permission to realize certain taxes. In these circumstances I oppose the grant to the Bally Bridge not because it would not benefit the people but becuase of the reasons I have already stated.

Mr. J. CAMPBELL FORRESTER: Sir, this is the seventh time that I have attempted to catch your eye and I have at last succeeded. The anxiety and energy spent in this effort, has driven from my mind, the arguments I had marshalled in favour of this proposal. The outstanding features of the debate that strikes me is that various speakers have drawn the usual red-herring across the path and have succeeded in creating a fog in the House as to the real issue which is before it. Sir, the fact is that we have a real unique opportunity of getting a bridge at a very cheap cost and thus establish communication between two sides of the river. Surely, there can be no doubt in the minds of the members that bridges across the river are required when you have a population of about two millions in the neighbourhood and there should be no question in our mind excepting that advantage must be taken of this rare opportunity. The necessity of bridges is apparent to all. As many of the speakers have tried to play upon the sentiment of the members might I call to their attention how many accidents have occurred in the crossing of the river. Lives are frequently lost and only a week or two ago a whole family was practically wiped out by the capsizing of a country boat. These lives would have been spared had you plenty of bridges. Let us try to forget the faults of Government. We well understand that Government has its faults but that is no reason why we should not recognise the importance of the matter as embodied in the Hon'ble Mr. Donald's resolution. The Hon'ble Member has clearly and lucidly explained the method by which people are going to be benefited. I need not, therefore, take up the time of the Council longer but I would only ask the members to remember that there is one thing that we should

look for and that is not the faults of the Government but ask ourselves the question and that is the only question before us and that is whether it would benefit the people of Bengal or not? Surely, there is only one reply and that is vote for this measure.

Mr. TARIT BHUSAN ROY: I am glad that a railway bridge at Bally has been finally decided upon. The cost of construction will be necessarily borne by the Government of India. No one can say that the Provincial Government have anything to do with the cost of a bridge meant exclusively for railway traffic. But the plain issues which have been raised by the Government resolution is of two sorts: The first is whether it is a matter of necessity to provide a roadway for ordinary traffic. The second is whether the local Government should at all contribute towards such cost. I feel that if the necessity for such roadways is once admitted, contribution should be made by Government. I apprehend that no roadways will at all be provided by the Government of India if we do not now agree to the principle. I say this in perfect honesty that roadways should be provided in the interests and for the benefit of trade and commerce. I do not think it will be a burden on the local Government if they contribute to this project. But I think the question of the nature and extent of the contribution will be open to discussion at the time when demand for grant is made. I want to make it clear that I would like to offer my remarks on that occasion. I support the resolution.

The following amendment by Babu Naliniranjan Sarker was not moved:—

> "That the consideration of the matter arising out of the Hon'ble Mr. Donald's motion be postponed till the next session of this Council."

Babu MANMATHA NATH ROY: I object to this resolution and I object to it not because the Government of India have taken a particular attitude in the matter of the Howrah Railway Bridge. I take it that the Bengal Government, when it brings forward this motion, does not agree with the Government of India in the matter of providing money for roadways, sees the error of the Government of India and regrets the attitude which the Government of India have taken. I object to the resolution on the merits. I have, no doubt, that the provision of roadways is an advantage but the large contribution which it is proposed to make to this particular project is wholly disproportionate to the advantages that may be gained. It may be an advantage to some localities in the matter of crossing the river but it will in no way be an advantage to the Calcutta business traffic and that is the problem with which we are confronted; it will in no

way solve that problem. In these circumstances it does not seem to me to be right to make such a large contribution in a matter of this kind.

The Hon'ble Mr. J. DONALD: As Mr. Campbell Forrester has said, a good deal of fog has been thrown over the discussion by this reference to principle. The only principle involved is that roads are provincial subjects, to be paid for from provincial revenues: if we want roads we have got to pay for them. It is not a question of the Government of India asking us to pay for a railway bridge. The East Indian Railway are going to construct a bridge across the Hooghly at Bally and if we would like to have a road over the bridge, the railway will provide it if we pay for it; it is not a question of Government paying for this bridge. The roadway would be a provincial asset.

As to what Babu Debi Prosad Khaitan said about bridges up-country, it must be remembered that these were constructed when the position was entirely different. Under the present reformed system, roads are a provincial subject; and if we want roads we have to pay for them ourselves. If we do not pay the cost and if we say we will not contribute to the cost of these roadways, then the railway authorities will not make provision in the design and we will never again have the chance of getting any roadways over this bridge for vehicular and pedestrian traffic. The bridge will not be built to carry the weight of roads later on. It will be too late for us to ask for roadways once the bridge is constructed. It will not do, as Babu Tarit Bhusan Roy says, to wait till the demand for grants is discussed, for a decision must be come to before the design of the bridge is ready and work started.

Babu Amulya Dhone Addy, who says that we have got to contribute a large sum for several years, forgets the fact that we can recover a good deal in tolls over the traffic passing the bridge.

I must admit, of course, what Dr. Bidhan Chandra Roy says, that I cannot give actual detailed figures of the amount of traffic likely to pass over the bridge. We could not at first expect to get from the traffic over the roadways the equivalent of what we have to pay for its construction, but surely there ought to be some foresight in this matter. We must realize there must in time be more bridges over the Hooghly. Now we have an opportunity of getting one at a cost of under Rs. 2 lakhs a year. In a few years' time other bridges will be necessary and you will then have to pay for them at the rate of Rs. 15 lakhs a year.

The question is this. Is the Council prepared to agree that we should ask the railway authorities to provide in this bridge for two roadways with a view to connect the busy centres of the west with the east? We must look ahead, as I have said, and provide against the time when more bridges will be necessary, when we will have to pay

for them at a much larger figure. If we do not take advantage of this opportunity, it will not occur again. I commend my Resolution therefore to the support of this Council.

The motion that this Council recommends to the Government that the local Government should contribute towards the cost of the Bally Railway Bridge with a view to the provision of roadways for ordinary traffic was then put and a division taken with the following result:—

AYES.

Abbott, Mr. E. G.
Addams-Williams, Mr. C.
Best, the Hon'ble S. J.
Birley, Mr. L.
Browne, Mr. P. H.
Campbell, Mr. K.
Chartres, Mr. C. B.
Chaudhuri, Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Cohen, Mr. D. J.
Corcoran, Mr. B. J.
De, Mr. K. C.
Dey, Mr. G. C.
Donald, the Hon'ble Mr. J.
Dutt, Mr. G. S.
Eddis, Mr. S. E. G.
Forrester, Mr. J. Campbell.
Ghuznavi, Hadji Mr. A. K. Abu Ahmed Khan.
Goenka, Rai Bahadur Badridas.
Goode, Mr. S. W.
Heard, Major-General Richard.
Hopkyns, Mr. W. S.
Hossain, Khan Bahadur Maulvi Musharruf.
Huq, Maulvi Ekramul.
James, Mr. F. E.
Jennaway, Mr. J. H.
Khaitan, Babu Debi Prosad.
Liddell, Mr. H. G.
Lindsay, Mr. J. H.
Merene, Dr. H. W. B.
Oaten, Mr. E. F.
Parrett, Mr. F.
Rahim, the Hon'ble Sir Abd-ur-.
Ray, the Hon'ble Maharaja Bahadur Kshaunish Chandra.
Ray Chaudhuri, Mr. K. C.
Roy, Mr. S. N.
Roy, Mr. Tarit Bhusan.
Sarkar, Maulvi Allah Bukhsh.
Smaith, Mr. J. F.
Stephenson, the Hon'ble Sir Hugh.
Travers, Mr. W. L.
Woodhead, Mr. J. A.

NOES.

Addy, Babu Amulya Dhone.
Ahamad, Maulvi Asimuddin.
Ahmed, Maulvi Najmuddin.
Ahmed, Maulvi Tayebuddin.
Ahmed, Maulvi Zanneer.
Ahsanullah, Mollah.
Ali, Maulvi Sayyed Sultan.
Bagchi, Babu Romes Chandra.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Satya Kishore.
Banerjee, Rai Bahadur Abinash Chandra.
Basu, Babu Jatindra Nath.
Basu, Babu Sarat Chandra.
Bose, Babu Bejoy Krishna.
Chakravarti, Babu Jogindra Chandra.
Chakraverty, Babu Sudarsan.
Chaudhuri, Maulvi Saiyed Abdur Reb.
Chaudhuri, Rai Harendranath.
Chaudhury, Maulvi Md. Nurul Huq.
Chunder, Mr. Nirmal Chandra.
Das, Babu Charu Chandra.
Das, Dr. Mohini Mohan.
Datta, Babu Akhil Chandra.
Dey, Babu Baroda Prosad.
Dose, Rai Bahadur Pyari Lal.
Qafur, Maulvi Abdul.
Ganguly, Babu Khagendra Nath.
Guha, Mr. P. N.
Haldar, Mr. S. N.
Hossain, Maulvi Wahed.
Huq, Mr. Mahbubul.
Jeardar, Maulvi Aftab Hossain.
Khan, Babu Debendra Lal.
Khan, Maulvi Amanat.
Khan, Maulvi Mahi Uddin.
Lal Mahammed, Haji.
Mahammad, Maulvi Basar.
Maity, Babu Mahendra Nath.
Mitra, Babu Jogendra Nath.
Mitter, Sir Provash Chunder.
Mukerjea, Babu Taraknath.
Nandy, Maharaj Kumar Sris Chandra.
Nasker, Babu Hem Chandra.
Neogi, Babu Manmohon.
Quader, Maulvi Abdul.
Rahman, Mr. A. F.
Rathat, Mr. Prasanna Deb.
Ray, Babu Abanish Chandra.
Ray, Babu Nagendra Narayan.
Roy, Babu Manmatha Nath.
Roy, Babu Satcowripati.
Roy, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Ray, Mr. Kiran Sankar.
Sarkar, Babu Hemanta Kumar.
Sarker, Babu Nalinikanjan.
Sasmal, Mr. S. N.
Sen, Mr. N. C.
Sen Gupta, Mr. J. M.
Suhrawardy, Dr. A.
Tarafdar, Maulvi Rajib Uddin.
Yasin, Maulvi Muhammad.

The Ayes being 41 and Noes 62, the motion was lost.

Demands for Grants.

Report of the Committee on Public Accounts, 1923-24.

The Hon'ble Mr. J. DONALD: I beg to present the report of the Bengal Legislative Committee on Public Accounts on the Appropriation and Audit Reports for the year 1923-24, and on the recommendation of His Excellency the Governor to move that the excesses mentioned therein under the major heads be granted. I understand that the report has been circulated to the members of this House.

The motion was put and agreed to.

Loans and Advances.

The following motion was called but not moved:—

The Hon'ble Mr. J. DONALD to move that a sum of Rs. 15,00,000 be granted for expenditure under the head "Loans and Advances", being the first instalment of a loan of Rs. 50 lakhs to be advanced to the Port Commissioners, Chittagong, for the development of the port.

Adjournment.

The Council was then adjourned till 3 P.M. on Tuesday, the 8th December, 1925, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Tuesday, the 8th December, 1925, at 3 P.M.

Present:

The Hon'ble the President (Kumar SHIB SHEKHARESWAR RAY) in the Chair, the four Hon'ble Members of the Executive Council, and 123 nominated and elected members.

Starred Questions

(to which oral answers were given).

Educational facilities to Santals and Bauris of Bankura.

*L. **Babu UMES CHANDRA CHATTERJEE:** (*a*) Will the Hon'ble Member in charge of the Education Department be pleased to lay on the table a statement showing the annual expenses from provincial funds incurred by Government for the education of Santals and Bauris since 1913, in the district of Bankura?

(*b*) Will the Hon'ble Member be pleased to state what facilities are given to Santal and Bauri students for secondary and higher education in the said district?

(*c*) Will the Hon'ble Member be pleased to state whether the Government are contemplating increasing the grant for the education of the Santals and Bauris in the said district?

MEMBER in charge of EDUCATION DEPARTMENT (the Hon'ble Sir Abd-ur-Rahim): (*a*) A statement is laid on the table. Both Santals and Bauris participate in the general educational facilities of the district.

(*b*) There is a Mission Santal M. V. School at Sarenga where the Santals read free of charge. The school receives a Government grant of Rs. 85 a month. One Middle Scholarship of Rs. 4 a month tenable for 4 years and two Primary Final Scholarships of Rs. 3 a month each tenable for two years are open to pupils of depressed classes including Santals and Bauris at this school.

(*c*) Yes, Government are formulating a scheme for the further expansion of primary education among the Santals. The demand for separate educational facilities for Bauris has not yet been brought to the notice of Government.

Statement referred to in the reply to clause (a) of starred question No. L.

Year.	Annual expenses from Provincial funds incurred by Government for education of Santals and Bauris since 1913. For Santals. Rs. A. P.	For Bauris.
1913-1914 ..	422 4 0	No separate provision.
1914-1915 ..	380 7 0	Ditto.
1915-1916 ..	1,905 0 0	Ditto.
1916-1917 ..	2,115 0 0	Ditto.
1917-1918 ..	2,115 0 0	Ditto.
1918-1919 ..	2,762 0 0	Ditto.
1919-1920 ..	2,971 0 0	Ditto.
1920-1921 ..	3,218 0 0	Ditto.
1921-1922 ..	3,139 0 0	Ditto.
1922-1923 ..	3,277 0 0	Ditto.
1923-1924 ..	3,217 0 0	Ditto.
1924-1925 ..	3,264 0 0	Ditto.

Shipping brokers.

*LI. **Mr. M. DAUD:** (*a*) Will the Hon'ble Member in charge of the Department of Marine be pleased to state—

(*i*) why the Government shipping office rooms are allowed to be used by the shipping brokers.

(*ii*) for what purposes they use those rooms; and

(*iii*) whether they pay any rent?

(*b*) If the answer to (*a*) (*iii*) is in the negative, will the Hon'ble Member be pleased to state why they are exempted from payment of rent?

(*c*) How many rooms are at present being used by the shipping brokers?

(*d*) What is the number of the rooms they occupy?

(*e*) Is there any order, circular or resolution of the Government to the effect that the shipping brokers might use the rooms of the shipping office?

(*f*) If the answer to (*e*) is in the affirmative, will the Hon'ble Member be pleased to lay on the table a copy of the order, circular or resolution?

MEMBER in-charge of DEPARTMENT of MARINE (the Hon'ble Mr. J. Donald): (*a*) (*i*) The origin of the practice is not traceable.

(*ii*) For purposes incidental to the discharge of their part in the work of signing on and paying off crews.

(*iii*) No.

(*b*) The point has not arisen hitherto.

(*c*) and (*d*) They occupy a partitioned section in each of the two rooms.

(*e*) No.

(*f*) Does not arise.

Representation of Calcutta Corporation on Excise Licensing Board.

***LII. Babu KHAGENDRA NATH GANGULY:** Will the Hon'ble Member in charge of the Department of Agriculture and Industries (Excise) be pleased to state whether it is a fact that the number of representatives of the Calcutta Corporation on the Excise Licensing Board for Calcutta has recently been raised from two to four?

MEMBER in charge of DEPARTMENT of AGRICULTURE and INDUSTRIES [EXCISE] (the Hon'ble Mr. J. Donald): Formerly there was only one member to represent the Corporation. When the area of Calcutta was extended the number was raised to four.

Allowance for books to internees.

***LIII. Mr. KIRAN SANKAR ROY:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether it is a fact that the privilege of monthly allowance for books granted to jail internees is not extended to the outside internees brought to jail for medical treatment, however long may be kept in jail?

(*b*) Will the Hon'ble Member be pleased to state on what principle this distinction between prison détenus and outside internees is based?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Sir Hugh Stephenson): (*a*) No.

(*b*) No such distinction is made.

Alleged segregation of political prisoners in Burma.

***LIV. Mr. KIRAN SANKAR ROY:** Will the Hon'ble Member in charge of the Political Department be pleased to state why of all the State prisoners and détenus now in Burma only Babu Bhupendra Coomar Datta and Babu Trailokhya Chakrabartti have been segregated in one jail from others?

The Hon'ble Sir HUGH STEPHENSON: Government are not prepared to publish the reasons for selecting the places of detention of individual political prisoners.

Forest passes in the Chittagong Reserve Forests.

***LV. Maulvi MD. NURUL HUQ CHAUDHURY:** (*a*) Will the Hon'ble Member in charge of the Department of Revenue be pleased to state—

(*i*) how many kinds of passes are at present prevalent in the Chittagong Reserve Forests together with their values;

(*ii*) the number of such passes that were in force for the last three years; and

(*iii*) the revenue derived therefrom during the said period?

(*b*) How many kinds of passes were in vogue from—

(*i*) 1893 to 1916; and

(*ii*) 1916 to 1922?

(*c*) What were the respective values of the passes referred to in (*b*)?

(*d*) What are the restrictions that are now imposed on the passes that are in circulation?

(*e*) Were there such restrictions from 1893 to 1916 and from 1916 to 1922?

(*f*) Is the Hon'ble Member aware that the use of the different kinds of passes instead of one kind has entailed hardships and suffering on many poor people?

(*g*) Are the Government considering the desirability of reducing the kinds of passes and their value?

(*h*) If not, will the Hon'ble Member be pleased to state the reasons?

MEMBER in charge of DEPARTMENT of REVENUE [FORESTS] (the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur of Nadia): (*a*) to (*h*) Government must decline to undertake the labour of giving replies to the numerous and detailed questions which have been brought together in this question. The question of forest passes in the Chittagong Division is under the consideration of Government.

Maulvi MD. NURUL HUQ CHAUDHURY: Will the Hon'ble Member be pleased to state how the questions are to be put so that they may not be numerous and detailed.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: The questions were not received by this Department until the 19th November, 1925, so that the replies could not be gathered in time for this session of the Council.

Maulvi MD. NURUL HUQ CHAUDHURY: I give fresh notice of this question for the next session.

Winter clothing supplied to internees.

***LVI. Mr. KIRAN SANKAR ROY:** Will the Hon'ble Member in charge of the Political Department be pleased to state whether it is a fact that winter clothing is not supplied to the outside internees, who are brought to the Alipore New Central Jail from their camps of internment for medical treatment?

The Hon'ble Sir HUGH STEPHENSON: No.

Vice-Principalship in the Indian Educational Service.

***LVII. Babu SUDARSAN CHAKRAVORTY:** (*a*) Will the Hon'ble Member in charge of the Department of Education be pleased to state whether it is a fact that three or four years ago some Vice-Principalships in the Indian Educational Service were created in connection with the different colleges to facilitate the promotion to that service of qualified and deserving Indian officers in the lower branches of the Education Department?

(*b*) Will the Hon'ble Member be pleased to state whether it is a fact that of late all vacancies in such Vice-Principalships have been kept in abeyance?

(*c*) If the answers to (*a*) and (*b*) are in the affirmative, is it a fact that the promotions of Indians to the Indian Educational Service have been virtually stopped through this channel?

(*d*) Is it a fact that the Vice-Principalships in the Indian Educational Service in the Rajshahi College, Dacca Islamia College and Dacca Intermediate College have not been permanently filled up yet?

The Hon'ble Sir ABD-UR-RAHIM: (*a*) Yes; altogether six such posts were sanctioned in the Indian Educational Service.

(*b*), (*c*) and (*d*) In July, 1924, the Government of India stopped all appointments of both Europeans and Indians to the Indian Educational Service, whether by promotion or direct recruitment, and whether temporary or permanent, pending the orders of the Secretary of State on the future of the Indian Educational Service. In the post of Vice-Principal, Chittagong College, which fell vacant prior to July, 1924, a Bengal Educational Service Indian officer is acting in the Indian Educational Service as Vice-Principal of the College. The

Vice-Principal, Dacca Intermediate College, is now acting as Principal of the College and it was decided in 1923 that as a measure of economy his post would not be filled. The post of Vice-Principal, Islamic Intermediate College, Dacca, has not been filled on an Indian Educational Service basis since its creation, and the post has been filled up on a Bengal Educational Service basis. At Rajshahi a Bengal Educational Service officer is acting as Vice-Principal on his own pay in the Bengal Educational Service. None of the vacancies can now be filled in view of the orders of the Government of India, referred to above.

Grand Trunk Road.

*LVIII. **Babu KHAGENDRA NATH GANGULY:** (*a*) Will the Hon'ble Member in charge of the Department of Public Works be pleased to state how many times during the last two years the portion of the Grand Trunk Road covered by the Chandmari Bridge and its approaches has been repaired?

(*b*) Is the Hon'ble Member aware that all sorts of vehicular traffic are held up at the southern approach of the said Chandmari Bridge on account of the bad condition of the road?

(*c*) If so, what steps do the Government intend to take to remove the traffic difficulties?

(*d*) Will the Hon'ble Member be pleased to state when the scheme for the stone setting of the Grand Trunk Road will be taken in hand?

MEMBER in charge of DEPARTMENT of PUBLIC WORKS (the Hon'ble Mr. J. Donald): (*a*) Repairs were done in October 1923, July 1924, February 1925, July 1925.

(*b*) The congestion is due to the fact that the southern approach to the bridge has a steep gradient and that the major part of the loaded cart traffic is from south to north. This steep gradient is more responsible for the congestion than the bad surface of the road.

(*c*) Efforts will be made to ease the gradient and to improve the surface when funds permit.

(*d*) If the Tramway Company, who are being addressed in the matter, agree to pave the portion lying between the tram-rails, Government will take up the question of stone setting the remaining width of the road.

Détenu Kalyankar Ganguly.

*LIX. **Mr. S. N. HALDAR:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether it is

a fact that Kallysankar Gangooly was arrested under the Bengal Criminal Law Amendment Ordinance and interned at Kakdwip?

(*b*) Is it a fact that while so interned he was taken seriously ill twice and brought down to the Alipore Central Jail for treatment?

(*c*) Are there any qualified medical practitioners in Kakdwip?

(*d*) Will the Hon'ble Member be pleased to state the reason for sending détenus to this place?

(*e*) Is Kakdwip a healthy place?

(*f*) What was the nature of his illness?

(*g*) What are the means of communication to and from that place from the nearest railway station and nearest steamer station?

(*h*) What is the reason for treating such outside internees or détenus in jail when they get ill?

(*i*) Where is Kallysankar Gangooly now?

(*j*) Are there any qualified medical practitioners where he is interned?

(*k*) Is it a fact that he applied for permission to appear at the next I.A. Examination and that such permission was refused?

(*l*) Is it a fact that permission was granted to another détenu, Santosh Kumar Mitra, to appear at the M.A. Examination.

(*m*) Is it a fact that Santosh Kumar Mitra was allowed to attend a coaching class at the Dulanda House?

(*n*) Is it a fact that the same facility and privileges have not been given to Kallysankar Gangooly?

(*o*) If so, will the Hon'ble Member be pleased to state the reasons for the differential treatment?

The Hon'ble Sir HUGH STEPHENSON: (*a*) Yes.

(*b*) He was twice brought to the Alipore Central Jail for treatment. On neither occasion was his illness serious.

(*c*) Yes.

(*d*) It is considered a suitable place.

(*e*) It is reported to be.

(*f*) Eye-complaint on the first occasion and fever on the second.

(*g*) River steamers call at Kakdwip. Diamond Harbour, the nearest railway station, can be reached by country-boat.

(*h*) When it is considered desirable to bring détenus to Calcutta for special treatment it is considered necessary to restrict them to a jail for the period of such treatment.

(*i*) Government are not prepared to publish this information.

(*j*), (*k*) and (*l*) Yes.

(*m*) Yes, on one occasion.

(*n*) Yes.

(*o*) The degree of restriction considered necessary varies with each individual case. At the time the concession was allowed to Santosh Mitra it had been decided to intern him at his own home.

Mr. S. N. HALDAR: With regard to answer to question (*o*) may I know the reason why this differential treatment was made between Santosh Mitra and this gentleman? The answer on this point is not at all clear.

The Hon'ble Sir HUGH STEPHENSON: The degree of restriction necessary differs in the opinion of Government from case to case; each case is dealt with on its own merits. In some cases we allow further privileges and concessions, which are not allowed in other cases.

Mr. A. C. BANERJEE: I should like to know what is meant by "case".

The Hon'ble Sir HUGH STEPHENSON: I refer him to the dictionary.

Mr. A. C. BANERJEE: I want to know what the Hon'ble Member exactly means. The dictionary meaning is not evidently what he means.

Internee Jatindra Nath Bhattacharjee.

***LX. Mr. S. N. HALDAR:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether Jatindra Nath Bhattacharjee, an internee at Rampal, in the district of Khulna, has sent six or seven petitions since last July to the Government, informing them that he needed medical treatment and that he could not make two ends meet with his scanty allowance?

(*b*) Is it a fact that he gave a fortnight's notice threatening the breach of the internment order if his grievances were not redressed within the appointed time?

(*c*) Is it a fact that Mr. Gladding visited him at Rampal in consequence of the petition and notice, mentioned above?

(*d*) If so, when did Mr. Gladding visit him?

(*e*) What orders, if any, did he pass on hearing Jatin Babu's complaint?

(*f*) Has he been transferred to any other place for medical treatment?

(*g*) What is the nature of his illness?

(*h*) Where is he detained now?

(*i*) What is the present state of his health?

(*j*) Has his allowance been increased?

(*k*) Was any telegram from Jatin Babu to Dr. K. S. Ray, a member of this Council, informing him of the state of his health and requiring medical help, withheld?

(*l*) What was the reason for withholding such a telegram?

(*m*) Under whose orders was such a telegram withheld?

(*n*) Do the Government approve of the action in withholding the telegram?

The Hon'ble Sir HUGH STEPHENSON: (*a*) Yes.

(*b*) He made threats of this nature.

(*c*), (*d*) and (*e*) Mr. Gladding visited the détenu at Rampal and heard his complaints and passed such orders as he considered necessary.

(*f*) Yes.

(*g*) Affections of eyes, throat and teeth.

(*h*) Government are not prepared to publish this information.

(*i*) General health satisfactory; but he is still under treatment for his throat and eyes.

(*j*) It has been decided to increase the allowance.

(*k*), (*l*), (*m*) and (*n*) A telegram was withheld under the orders of the Superintendent of Police, on the ground that it was misleading and the despatch was unnecessary. Government approve of the action taken.

Mr. S. N. HALDAR: May I ask who is treating this gentleman for his eyes, throat and teeth?

The Hon'ble Sir HUGH STEPHENSON: I am afraid I cannot give this information off-hand.

Mr. S. N. HALDAR: May I ask you, Sir, to request the Hon'ble Member to answer this question at the earliest possible moment?

Mr. PRESIDENT: I think the Hon'ble Member wants notice and he will answer this question in due course.

The Hon'ble Sir HUGH STEPHENSON: I am prepared to give Mr. Haldar this information to-morrow, if he wishes to have it.

Mr. A. C. BANERJEE: May I ask the Hon'ble Member if his name could be found in the dictionary?

Mr. PRESIDENT: Order, order.

Mr. S. N. HALDAR: With regard to the answer to question (*j*), I should like to know by how much the amount has been increased.

The Hon'ble Sir HUGH STEPHENSON: I want notice of this question.

Mr. S. N. HALDAR: Will the Hon'ble Member kindly take this as notice?

Supply of warm clothing to certain outside internees brought to Alipore Jail for treatment.

*LXI. **Mr. KIRAN SANKAR ROY:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether it is a fact that Babu Narendra Nath Banarji and Babu Nagendra Sekhar Chakrabartti were brought to the Alipore Central Jail from their places of domicile for medical treatment before the winter set it?

(*b*) Is it a fact that they asked for warm coats, flannel shirts and *alwans* and were refused?

(*c*) Is it a fact that the jail internees have got them?

(*d*) What warm clothing was supplied to Nagen Babu while suffering from high fever and pain in the abdomen in Alipore Jail in the month of November?

(*e*) Is it a fact that the Superintendent of the Alipore Central Jail told the said détenus that he is not responsible if they suffer and contract any disease from want of warm clothing, as the Government do not empower him to supply them with adequate warm clothing?

The Hon'ble Sir HUGH STEPHENSON: (*a*) to (*c*) Yes.

(*d*) All the warm clothing considered necessary by the medical officer of Alipore Central Jail.

(*e*) No.

Hunger-strike in Mandalay Jail.

*LXII. **Babu NALINIRANJAN SARKER:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether the Bengali State prisoners under the Bengal Regulation III

of 1818 and the Bengal Criminal Law Amendment Act, 1925, who are detained at the Mandalay Jail, went on hunger-strike on the 7th August, 1925?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state whether it is a fact that the said strike was due principally to—

(*i*) a general grievance among the aforesaid détenus arising out of reduction of their diet allowance; and

(*ii*) the behaviour of Major Findlay, the Superintendent of the Mandalay Jail, towards Srijut Subhas Chandra Bose?

(*c*) Will the Hon'ble Member be pleased to make a full statement regarding the behaviour of Major Findlay towards Srijut Subhas Chandra Bose and the hunger-strike?

(*d*) Is it a fact that some non-official visitors of the Mandalay Jail recommended an increase in the diet allowances of those prisoners?

(*e*) Is it a fact that their recommendation was supported by Captain Smith, Superintendent of the said Jail?

(*f*) Is it a fact that the Government of Bengal have not increased the diet allowance of these prisoners?

(*g*) Is it a fact that the gravity of the situation caused by the said strike called for the intervention of the Deputy Commissioner of Mandalay?

The Hon'ble Sir HUGH STEPHENSON: (*a*) They declined to take their food from the 7th to 8th August.

(*b*) (*i*) This was the reason they gave.

(*ii*) Government have no information to this effect.

(*c*) Does not arise.

(*d*) and (*e*) No such information has been received.

(*f*) This is a matter which rests with the discretion of the Government of Burma.

(*g*) The Deputy Commissioner of Mandalay visited Mandalay Jail during the hunger-strike and investigated the grievances put forward by the political prisoners?

Babu NALINIRANJAN SARKER: May I ask what was the result of that investigation?

The Hon'ble Sir HUGH STEPHENSON: The result was that he sent in his report to Government, and if my recollection is right, certain orders were passed on it.

Babu NALINIRANJAN SARKER: With regard to (*b*) (*ii*) and (*d*) and (*e*), may I ask whether any attempt has been made to get any information in reply to these questions?

The Hon'ble Sir HUGH STEPHENSON: We made no reference to the Government of Burma. The matter is primarily within their cognisance and we made no reference to them.

Mr. S. N. HALDAR: Will the Hon'ble Member consider the desirability of obtaining such information?

Mr. PRESIDENT: Request for action. Pass on to the next question please.

Question of permitting Bengali détenus at Mandalay to play music.

***LXIII. Babu NALINIRANJAN SARKER:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether it is a fact that the Bengali détenus at the Mandalay Jail, detained under the Bengal Regulation III of 1818 and the Bengal Criminal Law Amendment Act, 1925, or some of them, applied for permission to purchase musical instruments at their own cost with a view to play music?

(*b*) Is it a fact that the said application was rejected, on the ground that music was not in accord with jail discipline?

(*c*) Is it a fact that the European and Anglo-Indian prisoners at the Central Jail, Alipore, are allowed to play music?

The Hon'ble Sir HUGH STEPHENSON: (*a*) Yes.

(*b*) This Government has no information as to the final orders of the Burma Government on the point.

(*c*) Yes, but only on Sundays during the Church services.

Unstarred Questions

(answers to which were laid on the table).

Assistant Commissioners in Calcutta Police.

33. Maulvi NAJMUDDIN AHMED: (*a*) Will the Hon'ble Member in charge of the Appointment Department be pleased to lay on the table a statement showing—

(*i*) the number of Assistant Commissioners in the Calcutta Police;

(*ii*) how many of them are—

(*1*) Hindu,

(*2*) Moslem, and

(*3*) Christian; and

(*iii*) what are their respective educational qualifications?

(*b*) Has any Moslem been ever promoted to the rank of Assistant Commissioner since the creation of this post?

(*c*) Is it a fact that the Assistant Commissioners Messrs. Wooly and Cook were junior to Inspector Golam Haidar and some other Moslem officers when all of them were sub-inspectors?

(*d*) Is it a fact that Babu Nalini Nath Majumdar who has been promoted to the rank of Assistant Commissioner was junior to Mr. Golam Haidar?

(*e*) Is it also a fact that Mr. Golam Haidar is a graduate of the Aligarh College and has received a course of training in New Scotland Yard?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Sir Hugh Stephenson): (*a*) (*i*) to (*iii*) There are 10 Assistant Commissioners of whom 5 are Hindus and 5 are Europeans. Information about their educational qualifications is not readily available.

(*b*) No.

(*c*) to (*e*) Government are not prepared to discuss the relative claims and merits of its officers and do not consider that such discussion is in the public interest.

Assistant Commissioners and Inspectors in the Calcutta Police.

34. Maulvi NAJMUDDIN AHMED: (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to lay on the table a statement showing—

(*i*) the proportion of Hindu Assistant Commissioners and Inspectors to Hindu Sub-Inspectors;

(*ii*) the proportion of Anglo-Indian Assistant Commissioners and Inspectors to Anglo-Indian Sergeants and Sub-Inspectors; and

(*iii*) the proportion of Moslem Assistant Commissioners and Inspectors to Moslem Sub-Inspectors?

(*b*) Will the Hon'ble Member be pleased to state—

(*i*) the sanctioned number of inspectors in the Calcutta Police; and

(*ii*) how many of them are—

(*1*) Hindu,

(*2*) Moslem, and

(*3*) Christian?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Sir Hugh Stephenson): (*a*) (*i*) 37 per cent.

(*ii*) 19 per cent.

(*iii*) 29 per cent.

(*b*) (*i*) 56.

(*ii*) (*1*) 22.

(*2*) 8.

(*3*) 26.

Promoted Sub-Inspector Mr. Shillong.

35. Maulvi NAJMUDDIN AHMED: (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state whether it is a fact that sub-inspector Mr. Shillong was promoted to the rank of inspector in a vacancy caused by the reduction of inspector Mr. Ray?

(*b*) Is it a fact that sub-inspector Mr. Shillong was junior to many Moslem officers?

The Hon'ble Sir HUGH STEPHENSON: (*a*) and (*b*) Yes.

Sergeants and Sub-Inspectors in Calcutta Police.

36. Maulvi NAJMUDDIN AHMED: (*a*) Will the Hon'ble Member in charge of the Police Department be pleasad to state—

(*i*) the number of sergeants and sub-inspectors in the Calcutta Police; and

(*ii*) how many of them are—

(*1*) Hindu,

(*2*) Moslem, and

(*3*) Christian?

(*b*) Is it a fact that a vacancy was created by the death of sub-inspector Nizamul Huq, on 4th November, 1925?

(*c*) Is it a fact that six days after the death Babu Jatindra Nath Bhattacharjee was appointed in place of deceased Nizamul Huq?

(*d*) What are the educational qualifications of Babu Jatindra Nath Bhattacharjee?

(*e*) Was this vacancy advertised?

The Hon'ble Sir HUGH STEPHENSON: (*a*) (*i*) and (*ii*) There are 155 sergeants and 108 sub-inspectors. The sergeants are all Christians. Of the sub-inspectors 74 are Hindus, 28 Muhammadans and 6 Christians.

(*b*) A vacancy occurred on the 5th November on the death of sub-inspector Nizamul Huq in the rank of sub-inspectors.

(*c*) Babu J. N. Bhattacharjee was appointed in one of the seven vacancies which occurred during the year in the rank of sub-inspectors.

(*d*) He is an M. Sc.

(*e*) No specific vacancies are advertised—once a year a general advertisement is issued to recruit for the post of sub-inspector; such an advertisement was issued in September this year.

Recruitment of Muhammadans to the post of Deputy Commissioner, Calcutta Police.

37. Maulvi NAJMUDDIN AHMED: (*a*) Will the Hon'ble Member in charge of the Appointment Department be pleased to state whether there is any Moslem Deputy Commissioner in the Calcutta Police?

(*b*) Is it a fact that the Deputy Commissioners of the Calcutta Police are recruited from the Superintendents of the Bengal Police for a certain period?

(*c*) Will the Hon'ble Member be pleased to state whether there is any Muhammadan Superintendent in the District Police?

(*d*) If so, is there any bar for a Muhammadan officer to be recruited from there to the Calcutta Police as a Deputy Commissioner?

The Hon'ble Sir HUGH STEPHENSON: (*a*) There is no Muhammadan Deputy Commissioner in the Calcutta Police.

(*b*) Yes, with the proviso that one post is reserved for the promotion of an Assistant Commissioner.

(*c*) There are two.

(*d*) There is no bar.

Filling up the vacancy caused by the death of Sub-inspector Nizamul Huq.

38. Khan Bahadur S. MAHBOOB ALEY: (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state whether it is a fact that the vacancy caused by the death of sub-inspector Nizamul

Huq was filled up by the appointment of one Jatindra Nath Bhattacharjee an under-graduate?

(*b*) Is it a fact that many Muhammadan graduates were candidates for the same post?

The Hon'ble Sir HUGH STEPHENSON: (*a*) The procedure followed by the Commissioner of Police is to wait each year until vacancies amount to about half a dozen and then to fill up all the vacancies in the ratio laid down by Government as regards Hindus and Muhammadans. On the death of sub-inspector Nizamul Huq a vacancy occurred in the rank of a sub-inspector which was the seventh vacancy this year and all these vacancies were filled up simultaneously as far as possible in the prescribed ratio.

(*b*) There were many Muhammadan graduates among the candidates for posts of sub-inspectors.

Navaran-Satkhira Railway project.

39. Maulvi SAYYED SULTAN ALI: Will the Hon'ble Member in charge of the Department of Public Works be pleased to state what arrangements have been made to open a railway line from Navaran to Satkhira *viâ* Kalaroa?

The Hon'ble Mr. J. DONALD: The construction of this line has been definitely postponed by the Railway Board in view of the prospects of traffic being unfavourable and the inability of the local bodies or Government to guarantee the Railway Board against loss in working the line.

Hours of voting for Council election.

40. Rai Sahib PANCHANAN BARMA: (*a*) Will the Hon'ble Member in charge of the Appointment Department be pleased to state whether he is aware of the inconvenience caused to voters by fixing the hours between 10 A.M. and 3 P.M. as the time for voting for Council election?

(*b*) Is the Hon'ble Member aware that this is specially inconvenient in the case of voters in rural areas who have to come sometimes from distance of 8 to 10 miles, or even more?

(*c*) Is the Hon'ble Member aware of the fact that on account of this inconvenience many voters are prevented from exercising their right of voting?

(*d*) Are the Government considering the desirability of changing the starting hour from 10 A.M. to 11 A.M. and the closing hour from 3 P.M. to 5 P.M.?

The Hon'ble Sir HUGH STEPHENSON: (*a*) to (*d*) Government are aware that the opinion has been expressed that 3 P.M. is inconveniently early for rural voters who come from a distance. Voters who are present at 3 P.M. are allowed to record their votes after that hour, and consequently voting continues beyond the closing hour. It is considered essential that voting should be completed before dark, and the question of changing the hours is not under consideration.

Site for an Agricultural farm in the 24-Parganas.

41. Rai HARENDRANATH CHAUDHURI: (*a*) With reference to the reply given to my unstarred question No. 102 of the last August session, will the Hon'ble Member in charge of the Department of Agriculture and Industries be pleased to state whether the Government are considering the selection of any particular site for an agricultural farm in the 24-Parganas?

(*b*) If so, what site is under selection?

MEMBER in charge of DEPARTMENT of AGRICULTURE and INDUSTRIES (the Hon'ble Sir Hugh Stephenson): (*a*) and (*b*) Government have no particular site in contemplation.

Excise shops in Howrah.

42. Babu KHAGENDRA NATH GANGULY: (*a*) Is the Hon'ble Member in charge of the Department of Agriculture and Industries (Excise) aware that a copy of a resolution of the Howrah Municipality, passed on the 19th September, 1924, was forwarded to the Government with Chairman's letter No. 2503-G., dated the 15th November, 1924, and in his letter No. 7228-E., dated the 16th December, 1924, the Commissioner of Excise, Bengal, acknowledged the receipt of the Chairman's letter?

(*b*) Will the Hon'ble Member be pleased to state whether any, and, if so, what action has been taken on the proposal in that resolution to abolish all excise shops in Howrah?

(*c*) If no action has yet been taken, will the Hon'ble Member be pleased to state the reasons therefor?

The Hon'ble Mr. J. DONALD: (*a*) Yes.

(*b*) and (*c*) Government are not at present prepared to depart from the excise policy clearly explained in the publications copies of which are laid on the Library table. Should they, however, consider it necessary or desirable in future to re-examine their excise policy, the recommendation of the Howrah Municipality will receive due consideration.

Feeder Railway from Midnapore to Ar[illegible]

43. Babu KHAGENDRA NATH GANGULY: (*a*) Will the Hon'ble Member in charge of the Department of Public Works be pleased to state whether the Government are considering the desirability of according sanction to any of the Light Railway Companies to start a feeder line from Midnapore to Arambagh?

(*b*) Is the Hon'ble Member aware that such a feeder line would save the cost of bridging over six miles of water clogged area?

The Hon'ble Mr. J. DONALD: (*a*) No proposal to this effect has reached Government, so the occasion has not arisen.

(*b*) Government have no knowledge of the facts referred to.

Waiting accommodation in certain stations on the Assam-Bengal Railway.

44. SHAH SYED EMDADUL HAQ: (*a*) Will the Hon'ble Member in charge of the Department of Public Works be pleased to state whether the Government are aware that there is a throng of passengers at Chitose Road, Lalmai and Khowai and some other important stations of Assam-Bengal Railway?

(*b*) Is the Hon'ble Member aware that there is neither any house nor any waiting-room in those important stations for the passengers to take shelter in and thus to save themselves from rain and sunshines?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Member be pleased to state the reasons why there is no waiting accommodation for passengers?

(*d*) Are the Government considering the desirability of inquiring into the necessity of erecting waiting-rooms in those important stations?

The Hon'ble Mr. J. DONALD: (*a*) to (*c*) Government have no information on the subject.

(*d*) The attention of the Railway administration will be drawn to the subject.

Waiting-rooms at the Panskura station on the Bengal-Nagpur Railway.

45. Babu MAHENDRA NATH MAITY: (*a*) Is the Hon'ble Member in charge of the Department of Public Works (Railways) aware that there are no waiting-rooms for the first, second and inter class

passengers, both male and female, who are to pass through Panskura station on the Bengal-Nagpur Railway?

(*b*) Is the Hon'ble Member aware that the first, second and inter class passengers, especially the ladies who are to wait for some time at the station, are put to inconvenience owing to the absence of proper waiting-rooms?

(*c*) Are the Government considering the desirability of drawing the attention of the Bengal-Nagpur Railway authorities to this matter?

The Hon'ble Mr. J. DONALD: (*a*) to (*c*) These are matters for the discussion of which Railway Advisory Committees were formed and the member is advised to approach the Advisory Committee of the Bengal-Nagpur Railway.

Projected canal between Kalighai and Haldi.

46. Babu MAHENDRA NATH MAITY: (*a*) Is the Hon'ble Member in charge of the Department of Irrigation aware that in 1913 a flood owing to the rise of the river Kalighai devasted the major portion covering an area of about 500 square miles of the subdivision of Contai in the district of Midnapore?

(*b*) Is the Hon'ble Member aware that the Government promised to excavate a canal through the Parganas Amarshi, Jalamutha and Sujamutha to allow of the flood water of the Kalighai to be drained off by this canal into the Haldi?

(*c*) Is it a fact that such a canal, if excavated, will tend to protect the whole of the northern portion of the subdivision from future visitations of flood?

(*d*) Is the Hon'ble Member aware that some preliminary steps were taken by the Department to bring this scheme into operation?

(*e*) Will the Hon'ble Member be pleased to state whether the scheme has been abandoned?

(*f*) If the answer to (*e*) is in the affirmative, will the Hon'ble Member be pleased to state what steps have been taken by the Government to save the subdivision from future attacks of flood owing to the rise of the river Kalighai?

MEMBER in charge of DEPARTMENT of IRRIGATION (the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur of Nadia): (*a*) to (*d*) Yes.

(*e*) No: the project for excavating a new channel to dispose of floods in the area preferred to has been completed and is now under the consideration of Government

(*f*) Does not arise.

Connecting Satkhira with a railway line.

47. Babu HEM CHANDRA NASKER: (*a*) Will the Hon'ble Member in charge of the Public Works Department be pleased to state whether the Government contemplate constructing a railway line up to Satkhira, a subdivision within the district of Khulna?

(*b*) If so, when the construction work is likely to be taken up?

The Hon'ble Mr. J. DONALD: (*a*) and (*b*) The member is referred to the answer given to an unstarred question on the same subject put by Maulvi Sayyed Sultan Ali at this meeting.

Reclamation of Mara Ganga channel.

48. Babu HEM CHANDRA NASKER: (*a*) Is the Hon'ble Member in charge of the Irrigation Department aware of the insanitary condition of the places by the side of the Mara Ganga channel running from Tollyganj downwards?

(*b*) Is the Hon'ble Member also aware that the insanitary condition is due to the silting up and the consequent drying up of the aforesaid river?

(*c*) Are the Government considering the desirability of making provision for the reclamation of the channel at an early date?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: (*a*) and (*b*) Yes.

(*c*) A scheme is being prepared for flushing the river from Tolly's Nala.

Promotion of Muhammadan Sub-Deputy Collectors to Provincial Executive Service.

49. Maulvi SAYYED SULTAN ALI: Will the Hon'ble Member in charge of the Appointment Department be pleased to state how many Muhammadan Sub-Deputy Collectors have been promoted to the Provincial Executive Service during the last ten years?

The Hon'ble Sir HUGH STEPHENSON: Two.

Milch cows.

58. Babu JOGINDRA CHANDRA CHAKRAVARTI: (*a*) Is the Hon'ble Member in charge of the Department of Agriculture and Industries aware that the condition of the milch cows in most of the districts of Bengal has deteriorated considerably and that the supply of pure milk has already become a thing of rarity in the province?

(*b*) Are the Government contemplating taking any practical steps to improve the condition of milch cows in this province?

(*c*) Is so, what steps are proposed to be taken?

(*d*) Are the Government contemplating the establishment of model dairy farms to be attached to agricultural farms wherever they exist, on the lines of the dairy farm at the Government Research Institute at Pusa?

(*e*) What is the average quantity of milk given by the cows at the Government dairy farm at Rangpur during the period of lactation?

(*f*) Does it approach the standard of the cows maintained at Pusa?

(*g*) If not, what are the reasons therefor?

(*h*) Is any pedigree kept of the breeding bulls of their sire and dam at the Rangpur farm?

(*i*) If the answer to (*h*) is in the negative are the Government considering the desirability of keeping a record of such pedigrees at that farm?

The Hon'ble Sir HUGH STEPHENSON: (*a*) Government are aware of the deterioration in the condition of milch cows in Bengal and of the scarcity in the supply of good milk in many parts of the province.

(*b*) and (*c*) The member is referred to paragraph 6 of Government's Resolution on the Report on the operations of the Agriculture Department for 1923-24 a copy of which is laid on the table. It is also proposed to appoint a cattle breeding expert to improve the cattle of the province.

(*d*) The question of the establishment of a model dairy farm is receiving consideration; but it is not proposed to attach a model dairy farm to every agricultural farm.

(*e*) Two thousand and five hundred pounds and over in a lactation period of 300 days.

(*f*) Yes. The average yield of Montgomery herd at Pusa per lactation period of 300 days is 3,120 lbs.

(*g*) The question does not arise.

(*h*) Yes.

(*i*) The question does not arise.

Resolution No. 2586, dated the 4th July, 1925, referred to in the reply to clauses (b) and (c) of unstarred question No. 50.

READ—

The report on the operations of the Department of Agriculture, Bengal, for the year ending 31st March, 1924.

This report was due to Government on the 1st August, 1924, but was not received in print till May last. The delay detracts enormously from the value of the report and the information it contains, and although Government recognize that the Director's hands have been full of current work and the delay has been due largely to an endeavour to make the report as full as possible, they consider that a less complete report submitted punctually would have been far more useful to the public, and steps must be taken to ensure that the report is submitted on the due date in future.

2. Mr. R. S. Finlow held charge of the department throughout the year as Officiating Director during the absence on leave, preparatory to retirement, of Mr. G. Evans. As a result of the decision of Government on the recommendation of the Bengal Retrenchment Committee, two sanctioned posts of Deputy Director of Agriculture were not filled and the posts of Superintendents of Agriculture, Chittagong, Rajshahi and Presidency Divisions, were abolished. The charges of the Presidency and Burdwan Divisions were amalgamated and placed under the Deputy Director of Agriculture, Western Circle.

3. **Agricultural education.**—The Director of Agriculture reports that no progress was made in nature study in the primary schools during the year, and that this was due in part to the want of proper gardening facilities in the majority of the schools.

The Secondary Agricultural School at Chinsura was closed in 1924 as a result of the recommendation of the Bengal Retrenchment Committee. Negotiations are now in progress for handing over the school to a private educational body, which has undertaken to manage it on approved lines. The Secondary Agricultural School at Dacca suffered from a lack of students: there is accommodation for about 30 students, but only 14 seats were filled up last session. This falling off is attributed to the absence of immediate prospects of Government employment for the passed students. The fact that all the 14 students at present in the school intend to go back to the land is, however, a satisfactory feature.

The great importance of introducing an agricultural bias in the secondary schools in the rural areas of the provinces is obvious, and stress has recently been laid on this question in the report of the Bengal Unemployment Committee as a means of popularising agriculture as a profession among the educated middle classes. Examples

of ordinary schools where agricultural subjects, theoretical and practical, are included in the curriculum are afforded by the Amarpur School in the Burdwan district, the Durgapur High School in the Chittagong district and the Ashabarea Middle English School at Asansol. Special interest attaches to the good work which is being done at the Amarpur School in this direction. In December, 1924, a Conference on agricultural education was convened by Government. The Conference considered it desirable to reconsider the present curricula of country schools above the primary standard in Bengal so as to introduce the experiment of teaching elementary agriculture combined with practical work in the field. In accordance with the recommendation of the Conference a small committee consisting of an officer of the Agricultural and of the Educational Department and a non-official gentleman was deputed to the Punjab to investigate the possibilities of the introduction of agricultural classes in middle schools in Bengal on the lines which have proved successful in that province. This committee has since submitted a report which is receiving the careful consideration of Government, and it is hoped to introduce a scheme of secondary agricultural education specially suited to the conditions of this province.

The provision of facilities for higher agricultural education in the province depends on the establishment of the proposed Agricultural Institute at Dacca. This scheme is being re-examined by Government with a view to the possibility of finding funds for its inauguration in the near future.

4. **Research and experiment.**—Interesting experiments are in progress into the quality of the fibre produced by departmental and other races of jute under different conditions; the incidence of fungus diseases in jute, the commercial possibility of rhea, sida and agave fibres and into the types of paddy suitable for different soil and climatic conditions prevailing in various parts of the province and especially in the dry upland tracts of West Bengal. The mycological section is occupied in investigation into a disease which has been causing serious damage to the betel-vine plantations over a wide area.

Investigation on the mangoe weevil is reported to have confirmed the view that cleanly condition of the soil is an effective preventive; while lack of drainage is reported to create a suitable environment for the *ufra* disease of the deep-water paddy.

The *tanna* variety of sugarcane continues to increase in popularity over a very wide area. The extensive adoption of the cultivation of this variety of sugarcane has materially increased the profits of the cultivators. The Director of Agriculture reports that in the Kishoreganj subdivision alone the area under this variety of cane has increased from 400 to 10,000 acres in four years. An officer of the Provincial

Agricultural Service has been employed on the work of distribution of setts of this variety and of securing their widespread adoption. It appears, however, that the Coimbatore hybrid sugarcane, known as C 213, promises to prove even a better yielder than *tanna* as well as an yielder of purer juice besides being an excellent drought resister.

The question of improvement of the date-sugar industry in Bengal is engaging attention, and funds have been provided for an investigation in the matter in the date-growing areas of the province. The work on tobacco has recently been placed under the charge of the Agricultural Chemist with the assistance of a Superintendent of Agriculture specially trained in tobacco cultivation. It is hoped that this arrangement will lead to an extension of the cultivation of good varieties of tobacco in the province so as to afford opportunity for the growth of a thriving industry in cigar manufacture.

Important experiments with cotton are being carried on by the Second Economic Botanist. The work consists chiefly in the selection of suitable types of cotton yielding good lint. Results of the experiment so far obtained have led to the belief that a type suitable to the high lands of Western Bengal would be evolved in the near future, and it is proposed shortly to transfer the headquarters of the Second Economic Botanist from Dacca to Western Bengal in connection with this work.

5. **Water-hyacinth.**—The problem of effectively dealing with the water-hyacinth pest has been engaging the serious attention of Government for some time past. Experiments with Griffiths' spray have so far shown that it is not innocuous to human beings and animals as was originally believed. It has been found, however, that although spraying is not effective in killing the weed completely, it affords useful help in the removal of the weed by man-handling and other mechanical means. The Irrigation Department is carring on experiments with a view to keeping the navigable channels in charge of that department free from the weed. It is recognised, however, that the whole-hearted co-operation of local bodies and of the public generally is essential for success in an intensive campaign against the pest in view of its extensive nature and of the necessity for simultaneous and concerted action. It is proposed shortly to place an officer of the Provincial Executive Service on special duty in order to organise concerted action in selected localities for the eradication of water-hyacinth in co-operation with the District Officers and local bodies, and it is hoped that the necessary public support will be forthcoming in organising an effective campaign against this pest in the ensuing dry season.

6. **[illegible] of the farming industry: Agricultural stations and farms: Animal [illegible]y: Irrigation and supply of [illegible] seed, manure and [illegible].**—It is the accepted policy of Government to have an agricultural farm in each district in which the local

conditions will be studied and the results of experiments demonstrated to the public and provision is being made to start two district farms every year. With the object of demonstrating to the public the profitableness of agriculture as a profession if conducted on the lines recommended by the department, it has been decided to run the demonstration portion of each farm on business lines.

Closely connected with the question of farming is that of animal husbandry. The problem of evolving a better breed of cattle and securing a better milk supply is under investigation at the Rangpur Cattle Farm and at the Central Farm at Dacca. At Rangpur experiments have been undertaken to evolve a dual purpose animal—the males being good plough bullocks and the females good milch cows—by mating pedigree bulls with *deshi* cows; and a very valuable herd has already been built up by this process. Young bulls of good stature and carrying a milking strain are being distributed to district farms and 12 to 20 young pedigree bulls are now available for sale each year. The Director of Agriculture has mentioned with regard that although there is a considerable demand for these pedigree bulls from such outlying areas as Assam, the Bengal public have so far failed to recognise that these animals, carrying as they do a good milking strain, are quite cheap at the price charged, *viz.*, Rs. 300 to Rs. 350 per animal. Government share the Director of Agriculture's hope that Court of Wards estates, enlightened zamindars as well as well-to-do cultivators will take full advantage of the opportunity now afforded of purchasing these bulls at the moderate price which is being charged for them.

Investigations are in progress in Dacca and Rangpur with a view to discovering the most suitable fodder crops for the various parts of the province.

Leaflets containing simple instructions on the subject of animal husbandry, fodder, silage as well as cattle disease and their treatment are under preparation.

The question of irrigation is of vital importance to the farming industry, especially in the uplands of Western Bengal. Considerable progress has been made in the districts of Bankura and Birbhum in solving the problem of irrigation with the help of Co-operative Irrigation Societies and the example of these two districts has spread to the neighbouring districts of Hooghly, Burdwan and Midnapore. Technical assistance is being afforded by the Irrigation Department towards the preparation and execution of schemes taken up on co-operative lines and the Co-operative Department has been provided with the necessary staff for the organisation of Co-operative Irrigation Societies. In other parts of the province also there is need for the re-excavation

of tanks and construction of irrigation channels for agricultural purposes. The Bengal Agricultural and Sanitary Improvement Act was passed in 1920 to facilitate the carrying out of projects of this nature. Hitherto, however, advantage has not been taken of the provisions of this Act by the public. As there appeared to be some misapprehensions prevailing regarding the requirements of the Act, a simple set of instructions in the form of introduction to the Act and the rules thereunder, has been issued for the information and guidance of the local officers and intending applicants and it is hoped that this will lead to resort being widely taken to the provisions of the Act for the improvement of agriculture.

As a result of the decision of Government on the recommendation of the Bengal Retrenchment Committee the seed stores established by the department outside the farms have been abolished. There is a widespread popular demand for departmentally improved seeds. These seeds have been evolved as a result of careful scientific observation and unless they are propagated under proper safeguards, the useful work of the department in this direction will be lost to the public. It has, therefore, been found necessary to utilize private agencies for the purpose of their distribution in addition to the departmental agencies and farms. The assistance of local officers and the panchayats is also being utilized in areas in which there is scope for popularizing departmental races of crops.

7. **Propaganda and dissemination of agricultural information.**— The successful demonstration of improved methods of agriculture with a view to their general adoption by the cultivating classes is an important function of the demonstration branch of the Agriculture Department. Hitherto owing to a lack of co-ordination between the work of the research and demonstration branches sufficient progress has not been made in this direction. This defect is now sought to be removed by the appointment of an Assistant Director of Agriculture who will, for the present, be in charge of the demonstration branch. The Director of Agriculture realises that the question of local organization for propaganda in regard to departmental recommendations is the most serious problem which at present confronts the department. It is reported that in those districts in which the local officers have interested themselves in the matter of agricultural improvement there has been a great advance in agricultural practice. Government agree with the view expressed by the Director of Agriculture that the District Officers may effectually use their influence in encouraging khas mahal and Court of Wards estates and local zamindars to demonstrate improvements recommended by the Department of Agriculture. The Director of Agriculture has given interesting figures as to the enormous possibilities of increasing the wealth of the cultivators of the province by the widespread adoption of departmental races of several crops and in particular

of jute and paddy, and it is only necessary to evolve a simple machinery by which the cultivators of the province can be brought into close touch with the officers of the Agriculture Department with a view to their testing and adopting these improved races of crops as well as other improvements recommended by the department. Government are convinced that the agency of agricultural associations will be found most effective for this purpose. Every effort should therefore be made to utilise agricultural associations for the popularization of the results of scientific research and the adoption of improved agricultural practice. The policy of Government in regard to the formation of agricultural associations was fully enunciated in their circular No. 631 T.—R., dated the 7th June, 1919, and it is hoped that the Assistant Director of Agriculture, who will henceforth be in charge of the propaganda branch of the department, will devote his special attention to the organization of agricultural associations. Mention has been made in the report of the good work which is being done by the agricultural associations in Birbhum, Kishoreganj, Nadia and Jessore, and since the close of the year the Director of Agriculture has brought the good work of the agricultural association at Malda to the notice of Government. The Governor in Council trusts that the examples of these associations will be emulated by those in other districts. The Director of Agriculture also mentions the good examples set by Rai Bahadur A. C. Banarji of Sultanpur (Birbhum), Rai Bahadur K. N. Mallik of Ranaghat and Kumar Sanat Kumar Roy of Dighapatia in conducting their farms on scientific lines under the direction of the officers of the Agriculture Department. These well-conducted private farms will serve as an object lesson to the educated members of the *bhadralok* class in the practice of farming on modern scientific lines.

Government agree with the view expressed by the Director of Agriculture that the personality and proper training of the District Agricultural Officers is an important factor in the success of demonstration work, and trust that the arrangement which has been now brought into force of placing six officers of this class for training at the Dacca Farm and the revised instructions recently issued by the Director of Agriculture regarding the duties and responsibilities of these officers will greatly increase their efficiency and popularity.

8. **Sericulture.**—The work of the sericultural branch embraces the production of disease-free seed cocoons by a method of selection at Government nurseries and their multiplication through the agency of selected rearers under departmental control. There are now no less than 36 seed farms under selected rearers to whom they are a source of considerable profit. The policy of encouraging selected rearers will be continued and extended by increasing the inspecting staff as funds permit. Eight ex-students of the Sericultural School were granted

rewards of Rs. 250 each for the erection of model rearing houses. A great expansion of sericultural operations has taken place in the district of Bankura under departmental supervision. Rearers' and Reelers' Co-operative Societies are reported to be doing good work in several districts.

9. The thanks of the Governor in Council are due to the Director of Agriculture for the administration of the department during the year. His Excellency in Council also takes this opportunity of acknowledging the assistance rendered to the department by local officers and non-official gentlemen in various parts of the Presidency.

By order of the Governor in Council,

G. S. DUTT,

Secretary to the Government of Bengal.

Dr. H. W. B. MORENO: Do Government consider that practical steps outlined in the answer to clauses (*b*) and (*c*) are sufficient for the improvement of the condition of milch cows in this province?

Mr. PRESIDENT: That is asking for an opinion; I am afraid you cannot do that in the guise of a question.

Vesting Union Boards in Tippera with Bench power.

51. SHAH SYED EMDADUL HAQ: (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state the names of the Union Boards of the Tippera district where the Bench power has not been vested this year but which enjoyed the same power before?

(*b*) Is it a fact that the Presidents of those Union Boards are trying to get Bench power?

(*c*) Is it the intention of the Government not to give Bench power to these Union Boards until the District Magistrate gives a certificate to the effect that the party-feeling has ceased?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir Abd-ur-Rahim): (*a*) A statement is laid on the table.

(*b*) Government have no information.

(*c*) It is the intention of Government not to give Bench power to these Union Boards until it is satisfied from the reports of local authorities and otherwise that party-feeling has either ceased or considerably abated.

Statement referred to in clause (a) of unstarred question No. 51, showing the number of Union Boards in the district of Tippera which had the Bench power before.

(a) The undermentioned Union Boards of the Tippera district had the Bench power before; but have not been vested with the same power this year.

	Union Boards.	Subdivision.	Police-station.
1.	Chandla	.. Sadar (South)	.. Burichong.
2.	Brahmanpara	.. Do.	.. Do.
3.	Panchthupi	.. Do.	.. Kotwali.
4.	Jorekaran	.. Do.	.. Do.
5.	Cheora	.. Do.	.. Chauddagram.
6.	Paschimgaon	.. Do.	.. Laksam.
7.	Bhaukshar	.. Do.	.. Chandina.
8.	Gobindapur	.. Sadar (North)	.. Daudkandi.
9.	Jagatpur	.. Do.	.. Do.
10.	Balarampur	.. Do.	.. Do.
11.	Moroka	.. Do.	.. Do.
12.	Mahammedpur	.. Do.	.. Do.
13.	Gazaria	.. Do.	.. Do.
14.	Debidwar	.. Do.	.. Debiwar.
15.	Barkanta	.. Do.	.. Do.
16.	Akubpur	.. Do.	.. Muradnagar.
17.	Andikot	.. Do.	.. Do.
18.	Muradnagar	.. Do.	.. Do.
19.	Darora	.. Do.	.. Do.
20.	Nasirnagar	.. Brahmanbaria	.. Nasirnagar.
21.	Bhalakut	.. Do.	.. Do.
22.	Chunta	.. Do.	.. Sarail.
23.	Sarail	.. Do.	.. Do.
24.	Natghar	.. Do.	.. Nabinagar.
25.	Bidyakut	.. Do.	.. Do.
26.	Ibrahimpur	.. Do.	.. Rasullabad.
27.	Ratanpura	.. Do.	.. Do.
28.	Bishnupur	.. Chandpur	.. Chandpur.
29.	Tarpurchandi	.. Do.	.. Do.
30.	Shakhua	.. Do.	.. Do.
31.	Ibrahimpur	.. Do.	.. Do.
32.	Gazipur	.. Do.	.. Do.
33.	Shadullapur	.. Do.	.. Matlab.
34.	Durgapur	.. Do.	.. Do.
35.	Mohanpur	.. Do.	.. Do.
36.	Fatehpur	.. Do.	.. Do.
37.	Chitoshi	.. Do.	.. Hajiganj.

Re-excavation of Kunti Nadi.

82. Babu TARAKNATH MUKERJEA: Will the Hon'ble Member in charge of the Department of Irrigation be pleased to state what steps have been taken to re-excavate the river known as Kunti Nadi in the district of Hooghly?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: The question of the improvement of the Kunti Nadi will be considered at a conference in Chinsura to be held shortly. No steps have been taken as yet for the improvement of this river.

Family allowances to détenus.

83. Babu NALINIRANJAN SARKER: Will the Hon'ble Member in charge of the Political Department be pleased to lay on the table a statement showing the family allowances given to the détenus at present under the Bengal Regulation III of 1818 and the Bengal Criminal Law Amendment Act, 1925, with the following details in each case—

(*i*) the amount sanctioned by the Government;

(*ii*) the date of commencement of such allowances;

(*iii*) the date of the payment first made to them; and

(*iv*) the amounts prayed for by the détenus concerned?

The Hon'ble Sir HUGH STEPHENSON: (*i*) to (*iv*) Government are not prepared to publish this information.

Babu NALINIRANJAN SARKER: Will the Government be pleased to state its reasons for not publishing the information?

The Hon'ble Sir HUGH STEPHENSON: Government have always refused to publish information regarding the allowances of détenus, because they regard that as a personal matter strictly between Government and the détenus. The inquiries which are necessary to enable Government to fix the allowances are of a confidential character and deal with many private matters which the détenus might not wish to be published. In our opinion, Government have no right to publish this information.

Babu NALINIRANJAN SARKER: Even if the détenus wish to have this information published?

Mr. PRESIDENT: This is an argumentative form of question and cannot be allowed.

Chikandi Munsifi.

54. Dr. MOHINI MOHAN DAS: (*a*) Is the Hon'ble Member in charge of the Judicial Department aware that the Munsif's Court at the Chikandi Chauki in the district of Faridpur is situated at the furthest extremity of its jurisdiction since the transfer of the Sibchar Police Station from the jurisdiction of Chikandi?

(*b*) Is it a fact that there is neither a Police Station nor a Telegraph Office at Chikandi and that this is the cause of inconvenience to the public, especially the litigants.

(*c*) Is it a fact that the mail at Chikandi was attacked several times?

(*d*) Is it a fact that the school-house at Chikandi has been burnt down?

(*e*) Is it a fact that a vendor of the Chikandi Court has fled away with money?

(*f*) Is it a fact that Palong which is a populous place within the jurisdiction of Chikandi is on the other side of the river and is situated almost in the middle of the jurisdiction of the Chikandi munsifi?

(*g*) Is it a fact that there are a Police Station and Telegraph and Registration Offices at Palong?

(*h*) Are the Government considering the desirability of removing the Munsif's Courts from Chikandi to Palong?

The Hon'ble Sir ABD-UR-RAHIM: (*a*) Chikandi is situated about 3 miles from the southern boundary of the Sibchar thana and about 15 miles from the southern boundary of the existing munsifi.

(*b*) Yes. A representation by the local officers has been addressed recently to the Postmaster-General with regard to the opening of a Telegraph Office at Chikandi.

(*c*) No.

(*d*) Yes.

(*e*) No.

(*f*) No. Palong is situated about 6 miles from the southern boundary of the Sibchar thana and about 12 miles from the southern boundary of the existing munsifi.

(*g*) Yes.

(*h*) No.

Calcutta Electric Supply Corporation.

55. Babu KHAGENDRA NATH GANGULY: (*a*) Will the Hon'ble Member in charge of the Department of Commerce be pleased to state whether the license granted to the Calcutta Electric Supply Corporation, Limited, for the supply of energy in Howrah

and Calcutta in the years 1902 and 1907, respectively, has been determined by efflux of time?

(*b*) If so, what are the exact dates of such determination?

(*c*) Will the Hon'ble Member be pleased to state whether the said Corporation have renewed the license for Howrah and Calcutta in terms of the provisions of the Indian Electricity Act of 1910?

(*d*) If the answer to (*c*) is in the negative, will the Hon'ble Member be pleased to state how the Corporation have been permitted to supply energy in those places without a license from the Government?

MEMBER in charge of DEPARTMENT of COMMERCE (the Hon'ble Mr. J. Donald): (*a*) and (*b*) The license for the supply of electric energy in Howrah expired on the 27th of October, 1923. The license for Calcutta is still in force.

(*c*) The license for Howrah has not yet been renewed.

(*d*) The grant of a new license is under consideration. The question has been complicated (*a*) by the fact that the area of supply will be extended, and (*b*) by modifications necessary since the new license will be granted under the existing Act IX of 1910, whereas the former license was under Act IX of 1895. It is expected that the new license will be granted very shortly. Meanwhile the Calcutta Electric Supply Corporation are continuing to supply energy under the terms of the old license.

Dr. BIDHAN CHANDRA ROY: May I ask whether any licensee under the Indian Electricity Act is entitled to continue supplying energy even for one day after the expiry of his license?

Mr. PRESIDENT: Order, order. You cannot seek an opinion from Government in the guise of a question.

Dr. BIDHAN CHANDRA ROY: Would the Government be pleased to take any steps to stop the licensee from continuing to supply energy after the date of the license has expired?

The Hon'ble Mr. J. DONALD: We did not take any step to ascertain that the license had expired. Government had no information that the license expired on a particular date.

Dr. BIDHAN CHANDRA ROY: Do Government think it necessary to take any steps under the Electricity Act to stop the licensee from continuing to supply energy?

The Hon'ble Mr. J. DONALD: That can be done under the provisions of the Act, if necessary.

Supply of water in the upper course of the river Bhagirathi.

56. Maharaj Kumar SRIS CHANDRA NANDY: (*a*) Is the Hon'ble Member in charge of the Department of Irrigation aware—

(*i*) that the river Bhagirathi is drying up every year; and

(*ii*) that the river, especially in its upper course, is difficult for navigation for three months in the year?

(*b*) If so, what steps are the Government contemplating taking for its reclamation?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: (*a*) (*i*) and (*ii*) Government are aware that the supply of water to the Bhagirathi is cut off in the dry season.

(*b*) There are no proposals before Government for reopening the supply, because the expense of so doing will be very great and there is a considerable risk in carrying out works on a large scale; when considered necessary and the conditions are favourable, the shoals are improved by bandalling.

Maulvi EKRAMUL HUQ: Will the Hon'ble Member in charge of Irrigation be pleased to state whether he was aware that a resolution was recently moved by me in this Council asking Government to take steps to make the river Bhagirathi navigable throughout the year, and whether——

Mr. PRESIDENT: That is a very long statement you are making. Order, order. Please put your question briefly.

Maulvi EKRAMUL HUQ: Will Government be pleased to state whether an undertaking was given that steps would be taken to keep the river Bhagirathi flowing throughout the year?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: I do not think so; at least I do not remember.

Lack of an overbridge at the crossing of the Picnic Garden Road and Railway line to Ballygunge.

57. Babu HEM CHANDRA NASKER: (*a*) Is the Hon'ble Member in charge of the Department of Public Works aware that the public are inconvenienced for want of an overbridge at the crossing of the Picnic Garden Road and the Railway line to Ballygunge from Calcutta?

(*b*) Are the Government considering the desirability of drawing the attention of the Railway authorities to this matter?

The Hon'ble Mr. J. DONALD: (*a*) Yes.

(*b*) This has been done and the question is under consideration.

Motion for an adjournment of the business of the Council.

Mr. J. M. SEN GUPTA: May I ask for the leave of the House to move an adjournment of the business of the Council to discuss a matter of urgent public importance, namely, the recent treatment of political prisoners as evidenced by the transfer on the 22nd November, 1925, of political prisoners Jogesh Chandra Chatterji, Samananda Sen and Santosh Kumar Datta from Berhampur Jail to Hazaribagh Jail without any sort of clothing or without giving them any notice of such transfer.

Mr. PRESIDENT: Order, order. As I am of opinion that the matter proposed to be discussed is in order and as it has not been disallowed by His Excellency till now, I shall read the statement to the Council. Mr. J. M. Sen Gupta asks for leave of the House to move an adjournment of the business of the Council to discuss a matter of urgent public importance, namely, the recent treatment of political prisoners as evidenced by the transfer on the 22nd November, 1925, of political prisoners Jogesh Chandra Chatterji, Samananda Sen and Santosh Kumar Datta from Berhampur Jail to Hazaribagh Jail without any sort of clothing or without giving them any notice to make preparation for their journey.

Does any member object to leave being granted (*pause*). As no objection is taken, the leave asked for was granted.

The motion will be taken up at 5 P.M. to-day.

Non-official Business.

Motions for Amendment of the Standing Orders.

SHAH SYED EMDADUL HUQ moved the following Amendment of Standing Order 6 (*1*):—

I. That in Standing Order 6 (*1*) [section 19 (*1*)], line 3—

(*i*) for the words "any resolution" the following shall be substituted, namely:—

"a question which has not been answered or a resolution", and

(*ii*) before the words "such resolution" the following shall be inserted, namely:—

"Such question shall be carried over to the list of questions for the next session and".

II. That in Standing Order 12 [section 24], last proviso for the word "postponed" the words "carried over" shall be substituted.

He spoke in Bengali. The English translation of which is given below:—

I move my motion for amendment of the Standing Order 6 (*I*), [section 19 (*I*)], line 3, page 243, which is to the effect that all questions asked in a preceding session of the Council should be left out and which I propose to amend to the effect that all questions not answered in the preceding session of the Council should not be left out. In my second motion referring to the Standing Order 12, [section 24], page 245, I propose to insert the word "postponement". My reason for moving this amendment is that while no limit is imposed on questions asked in the Assembly and in the other Provincial Councils, it is in the Bengal Council alone that they are sought to be limited to twelve. This step is aimed mainly at myself because in one session of the Council I gave notice of 333 questions. I had also suggested that the first resolution should be given priority. But at once a rule was passed that nobody was to be allowed to ask more than ten questions and to move more than three resolutions. A Select Committee was appointed for the purpose of effecting this curtailment and though I protested, being on the committee, the rule was passed. I raised objection in the Council, as a result of which the number of questions was increased to 12. I still objected but my objection was disregarded. I thought, however, that if questions were not answered by Government, we should have the right of giving notice of 12 questions exclusive of such as were not answered by Government in a previous session, but I found that I was mistaken. I now move that the questions asked by a member to which answers are not given by Government should not be included in the fixed number of questions which he is entitled to ask and I hope that the members will agree with me in this matter.

Mr. PRESIDENT: Shah Syed Emdadul Huq's amendment runs as follows:—

AMENDMENT OF STANDING ORDER 6 (*I*).

I. In Standing Order 6 (*I*) [section 19 (*I*)], line 3—

(*i*) for the words "any resolution" the following shall be substituted, namely:—

"a question which has not been answered or a resolution", and

(*ii*) before the words "such resolution" the following shall be inserted, namely:—

"Such question shall be carried over to the list of questions for the next session and".

AMENDMENT OF STANDING ORDER 12, 2ND PROVISO.

II. In Standing Order 12 [section 24], last proviso, for the word "postponed" the words "carried over" shall be substituted.

Mr. PRESIDENT: Does anybody object to leave being granted for this motion to amend the Standing Orders? [Pause.] As no objection has been taken the amendments, under the rules, stand referred to a Select Committee. I hereby fix the 9th December at 5 P.M. as the latest date for the receipt of names of members who desire to serve on the committee. Balloting for the Select Committee will begin at 2-30 P.M. on the 10th December and finish by 2-55 P.M. on the same day.

I also nominate Babu Jatindra Nath Basu, one of the panel of Chairmen, as a member of the committee.

The following amendments of the Standing Order standing in the name of Babu Satya Kishore Banerjee were called but not moved:—

NEW STANDING ORDERS 77 TO 85.

That after Standing Order 76 (section 107), the following new Standing Orders be added, namely:—

PETITIONS RELATING TO BILLS.

77. Petitions relating to a Bill which has been published under Rule 18, or which has been introduced, or in respect of which notice of a motion has been received under the Standing Orders, may be presented or submitted in accordance with the Standing Orders.

78. Any such petition may be presented by a member, or be forwarded to the Secretary, in which latter case the fact shall be reported by him to the Council, and no debate shall be permitted on the making of such report.

79. A member presenting a petition shall confine himself to a statement in the following form:—

"I present a petition signed by————————petitioners regarding————————Bill"

and no debate shall be permitted on this statement.

80. (*1*) A committee on petitions shall be constituted at the commencement of each session and shall consist of the Deputy President who shall be Chairman and four members nominated by the President.

(*2*) The President may, if he thinks fit, fill up any vacancies occurring on the committee during the session.

81. Every petition after presentation by a member or report by the Secretary, as the case may be shall be referred to the committee.

82. The committee shall examine every petition referred to it and shall report to the Council stating the subject-matter of the petition, the number of persons by whom it is signed, and whether it is in conformity with the Standing Orders. If the petition complies with the Standing Orders, the committee may, in its discretion direct that it be circulated as a paper to the Bill to which it relates.

The committee shall in its report state whether circulation has or has not been directed, and, where circulation has not been directed, the President may in his discretion direct that the petition be circulated. Such circulation shall be of the petition *in extenso* or of a summary thereof as the committee or the President, as the case may be, may direct.

83. Every petition shall—

(*i*) either be in English or if not in English be accompanied by an accurate English translation;

(*ii*) if presented by a member, be countersigned by him; and

(*iii*) be couched in respectful and temperate language.

84. The full name and address of every signatory to a petition shall be set out therein and shall be authenticated by the signatory, if literate by his signature and if illiterate by his thumb impression.

85. Every petition shall be addressed to the Legislative Council and shall conclude with a prayer reciting the definite object of the petitions in regard to the Bill to which it relates.

Non-official Members' Bills.

The Bengal Village Self-Government (Amendment) Bill, 1925.

Rai HARENDRANATH CHAUDHURI: The Bill that I am going to request the Council to take into consideration is indeed a short one and has a very limited object in view. It is a puny Bill of 3 clauses only which proposes to amend only two sections or to be exact one section and half of another of the Bengal Village Self-Government Act, *viz.*, section 20 relating to the appointment and dismissal of chaukidars and dafadars and section 21 (*1*) relating to the determination of the salary, number and cost of equipment of chaukidars. It has become necessary to change these provisions of the Village Self-Government Act (Act V of 1919), as the amendment of the corresponding provisions of the Chaukidari Act by the Acts of 1922 and 1923 has rendered the provisions of the Village Self-Government Act quite an anacronism.

To explain my position a little more fully I propose to state here briefly the history of the control of the village police during the last fifty or fifty-five years. To go into the earlier history is not necessary for my present purpose and I therefore start with the Chaukidari Act of 1870 which was enacted as a measure of compromise between the popular and the Government points of view and with the definite object of providing for the appointment, dismissal and maintenance of village chaukidars as village servants:—

Section 11 of Act VI of 1870 said:—

"The Panchayet shall determine the number of chaukidars".

Section 12 of the same Act provided that—

"The Panchayet shall from time to time determine the monthly salary of the chaukidars to be appointed".

Section 35 again of the same Act ran as follows:—

"The Panchayet shall appoint the persons to be chaukidars under this Act and may from time to time, with the sanction of the Magistrate, dismiss any such chaukidars".

Thus it will be seen that under the Act of 1870, the whole control of the village watch rested primarily with the Panchayet. He could determine the number and salaries of the chaukidars as well as appoint them on his own initiative and dismiss them also and only in the case of dismissal of chaukidars he had to take the sanction of the District Magistrate. The chaukidars as primarily village servants were altogether under the control of the Panchayet. Not for one or two years but for 22 years this system continued until the position was changed by the reactionary Act of 1892, that is, until the Government thought that people had forgotten the controversy about the imposition of the Chaukidari Tax on permanently settled Bengal and therefore time had come to departmentalize the village police at the cost of the villagers.

Section 7 of the Act of 1892 replaced section 11 of the Act of 1870 and enacted that instead of the Panchayet—

"The District Magistrate shall determine the number of chaukidars to be employed in a village."

Section 8 of the same Act repealing section 12 of the Act of 1870 provided that instead of by the Panchayet—

"The salary of chaukidars appointed shall be determined by the District Magistrate".

Thus in the matter of determination of the number as well as the salary of the chaukidars the Act of 1892 transferred the powers from

the Panchayet to the District Magistrate. In the matter of appointment of chaukidars also section 11 of the amending Act of 1892 said:—

> "The Panchayet shall, when a vacancy exists, nominate a person to be a chaukidar under this Act and the District Magistrate shall, if satisfied with such nomination, appoint such nominee to be chaukidar".

Thus all control of village watch which was hitherto enjoyed by the village authorities was transferred by the Act of 1892 to the District Magistrate and the Panchayets were virtually deprived of all powers over the village police and they had only to raise money to meet the cost of village watch.

Thus it will be seen that although "the theory that the village watch is a municipal institution was definitely adopted after much controversy in 1870, and although Act VI of that year was based on the assumption that the chaukidar was purely a village servant, employed for the protection of lives and property of the villagers and looking to the village community for regular payment of the remuneration to which he was entitled", yet "the tendency of later legislation was", as the District Administration Committee observe, "in the direction of strengthening the control of the Magistrate and Police over the Panchayets and the chaukidars; and, under Act I of 1892, the power of appointing, punishing and dismissing chaukidars, as well as of determining their numbers and fixing their salaries has been vested in the District Magistrate who, with the sanction of the Commissioner, can delegate this power to any Subdivisional Magistrate of the first class, or to the District Superintendent of Police."

Such was the position—humiliating position I must say—of the Panchayet right up to the date of enactment of the Village Self-Government Act of 1919—and why 1919—in all respects till 1922 and 1923; and in some respects it continues to be so up till now.

"The Indian Police Commission of 1902-03 deplored the increasing tendency to departmentalize the rural police; and the President system, introduced by Mr. Savage two years later, was designed with the object of freeing the Panchayets from police influence and of emphasising the essential character of the chaukidar as a village servant". Even Mr. Hughes-Buller, the late Inspector-General of Police, had the fairness to recognise that if the village police were removed from the control of the Panchayets they must be paid by the Government. But no they, *i.e.*, the District Magistrates must only call the tune while the Panchayets and the villagers must pay the piper. Fine arrangement indeed!

But this unfair arrangement continued in its entirety; and when in the name of village self-Government, Act V of 1919, was passed it

re-enacted all the retrograde provisions—in fact, copied them from the Act of 1892—though the Panchayet was replaced by the Union Board and something like representative institution was set up in the villages. The position, therefore, is that so far as the Bengal Village Self-Government Act and the area under it are concerned the District Magistrate continues to be the sole authority to appoint and dismiss chaukidars and is vested with the power to determine the number and salary of chaukidars.

While such is the position under the newer Act the older Act, I mean the Act of 1870 as amended by Act of 1892, however has not remained unchanged. Recently I mean, in August, 1922, the Hon'ble Sir Hugh Stephenson introduced a Bill to amend section 12 of the Chaukidari Act. In course of the passage of the Bill through the last Council the Bill suffered an unexpected change as a result of which the amended section 12 of the Village Chaukidari Act runs thus :

> "The salaries of chaukidars appointed for any village shall be determined by the Panchayet of the village subject to the approval of the District Magistrate".

Then followed the amending Act of July, 1923, which was introduced by my friend Babu Indu Bhusan Dutt, in consequence of which section 11 of the Chaukidari Act now stands as follows:—

> "The Panchayet of a village shall determine the number of chaukidars to be appointed for that village subject to the approval of the District Magistrate".

The result is that under the older Act, *i.e.*, the Chaukidari Act as amended, the initiative in the matter of determination of the number and the salary of chaukidars has passed from the District Magistrate to the Panchayet and the power has been transferred from the former to the latter though with a safeguard. The newer Act, *i.e.*, the Village Self-Government Act which is out to replace the older Act however remains unaltered in those respects and that is the anomaly which I propose to remove by clause 3 of the Bill before the House. As regards the appointment and dismissal of chaukidars which forms the subject-matter of clause 2 of the Bill, I know it will be said that the position remains unchanged since 1892 so far as the older Act is concerned. But that is no reason why the power of appointing and dismissing chaukidars cannot be vested in the Union Board in 1925 when such power was conferred on the Panchayets so far back as in 1870 and the Panchayets continued to exercise the power under the older Act for more than twenty years after its enactment. Can any body seriously maintain that even now the Union Board cannot be entrusted with such small powers with regard to the control of the village watch—that persons who will be most affected by its efficiency or otherwise, will be the least interested

and capable to manage and maintain it in proper state of efficiency? Nothing but a policy of sheer distrust and that of carrying and controlling administration down to the ground can be a justification of maintaining and affecting to believe otherwise. And such a pretence far from deceiving anybody will simply be a parody of all tall talks of conferring self-government and creating so-called units of local self-government in the villages.

With these words I propose that my humble Bill be taken into consideration and as I propose hardly any innovation—almost nothing that is not or was not to be found in the Act of 1870—I hold there is no necessity of referring it to a Select Committee. At least no such reference to Select Committee was thought of either in the case of Sir Hugh Stephenson's Bill of 1922 or in the case of Indu Babu's Bill of 1923 and no new procedure should be adopted in this case.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: I beg to move, by way of amendment, that the said Bill be referred to a Select Committee consisting of Mr. S. W. Goode, Rai Abinash Chandra Banerjee Bahadur, Khan Bahadur Kazi Zahirul Haq, Maulvi Ekramul Huq, Maulvi Kader Baksh, Raja Manmatha Nath Ray Chaudhuri of Santosh, Rai Sahib Panchanan Barma, Maulvi Sayedul Hoque, Babu Satya Kishore Banerjee, Mr. B. N. Sasmal, Babu Boroda Prosad Dey, Raja Maniloll Singh Roy of Chakdighi, Mr. Altaf Ali, Dr. A. Suhrawardy, Rai Satyendra Nath Roy Choudhuri Bahadur, Rai Harendranath Chaudhuri and the Mover, with instructions to submit their report as soon as it is ready, and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

Mr. PRESIDENT: I have not been supplied with the written consent of the members whom you propose to put on the Select Committee, and if their consent has not been obtained, the motion will not be in order.

SECRETARY to GOVERNMENT, DEPARTMENT of LOCAL SELF-GOVERNMENT (Mr. S. W. Goode): With your permission, Sir, I would like to withdraw from the amendment the names of Mr. B. N. Sasmal and Dr. A. Suhrawardy: we have obtained the written consent of the other members of the proposed committee but these members have not given it.

Mr. PRESIDENT: Dr. A Suhrawardy is willing to serve on the committee.

Mr. S. W. GOODE: In that case we wish to retain his name.

Mr. PRESIDENT: The motion before the House therefore is that the Bill be referred to the Select Committee as proposed in the motion of the Hon'ble the Maharaja Bahadur of Nadia with the exception of Mr. B. N. Sasmal.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: I congratulate the hon'ble mover of the Bill for the very lucid history he has given us, but in so far as the Bill is designed merely to bring the Village Self-Government Act into conformity with the Chaukidari Act, as recently amended, I do not desire to oppose the Bill. But it goes further than Act VIII of 1922 which amended the Chaukidari Act in as much as it proposes to make the Union Board the arbiter of the nature and cost of equipment of the village watch subject, it is true, to the District Magistrate's approval. I think it will be agreed that chaukidars and dafadars ought to wear proper uniform and that it would be absurd if each Union Board were to clothe its men differently. The type of uniform and its cost are matters which are better left to executive officers. Again I may state that Government consider the proposal to transfer the power of dismissing chaukidars or dafadars to be undesirable since in the interest of discipline it is desirable that the District Magistrate should retain the power to dismiss as well as to fine. Again the deletion of the proviso to sub-section (*1*) of section 20 of the Village Self-Government Act would render the District Magistrate's approval (which Rai Harendranath Chaudhuri's Bill still retains) to the number of chaukidars and dafadars really nugatory. In the result, Government are of opinion that the Bill is defective, although they are in sympathy with its intention of bringing the Village Self-Government Act into conformity with the present Chaukidari Act. I think that if the Bill is considered in a Select Committee, its author may agree to accept certain minor changes which would not defeat the object of the Bill, but would render it more acceptable to Government. I hope, therefore, Rai Harendranath Chaudhuri will accept my motion to refer the Bill to a Select Committee.

Babu NALINIRANJAN SARKER: I beg to move, by way of amendment, that the said Bill be referred to a Select Committee consisting of the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur of Nadia, Mr. S. W. Goode, Rai Abinash Chandra Banerjee Bahadur, Maulvi Kader Baksh, Maulvi Sayedul Hoque, Mr. B. N. Sasmal, Babu Boroda Prosad Dey, Babu Manmohon Neogi, Maulvi Md. Nurul Huq Chaudhury, Maulvi Mahi Uddin Khan, Babu Akhil Chandra Datta, Dr. Mohini Mohan Das, Maulvi Muhammad Yasin, Mr. Kiran Sankar Roy, Mr. D. N. Roy, Mr. Syed M. Masih, and Rai Harendranath Chaudhuri, with instructions to submit their report on or before the 7th January, 1926, and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

Mr. B. N. SASMAL: I rise to support the amendment of my friend, Mr. Naliniranjan Sarker, which has just been moved in this House. In my opinion, Rai Harendranath Chaudhuri has not gone far enough considering the history of the question. He ought to have left out the words " subject to the approval of the District Magistrate " He ought

to have proposed the deletion of section 54 of the Bengal Village Self-Government Act V of 1919. Mr. Goode, whose amendment has not been moved but which I find has been tabled, proposes a retrograde motion altogether. He proposes that the words "subject to the approval of the District Magistrate" should be placed before the other words of the section, making it positively clear and definite that the District Magistrate must have control over the Union Boards. In my humble opinion, the Union Boards, where they are already existing, or where they may come into being in future, must have the fullest power to appoint, maintain or dismiss chaukidars and dafadars without any reference to anybody. I am fortified in my argument in that the long previous history of the question supports my contention most conclusively.

During the first 35 years of British Rule in Bengal (from 1757—1793), there was no Imperial Police in this province. The police and magisterial duties were during that period performed by the landholding classes who got allowances and produce of land from the State for keeping up thana or police establishments, as in the time of Muhammadan Rule.

On the 1st May, 1793, the Government of Lord Cornwallis passed a number of Regulations; and clause 4, section 8 of Regulation I of that year provided that

> the Governor-General in Council reserves to himself the option of resuming the whole or part of such allowances or produce of such lands, according as he may think proper, in consequence of his having exonerated the proprietors of land from the charge of keeping the peace, and appointed officers on the part of the Government to superintend the police of the country. The Governor-General, however, declares that the allowances or produce of lands which may be resumed will be appropriated to no other purpose but that of defraying the expense of the police, and that instructions will be sent to the Collectors not to add such allowances or the produce of such lands to the *jama* of the proprietors of land but to collect the amount from them separately.

It was intended here that the police lands or *chaukidari chakran* lands, by which name they generally go, in the possession of the zamindars would be resumed and they relieved of their police duties altogether. Accordingly, on the same day (1st of May, 1793), the Government passed Regulation 22 of that year, section 2 whereof says:—

> The police of the country is, in future, to be considered under the exclusive charge of the officers who may be appointed to the superintendence of it on the part of the Government. The landholders and farmers of land, who were bound to keep up establishments of *thanadars* and police officers for the preservation of the peace, are accordingly required to discharge them, and all landholders and farmers of land are prohibited from entertaining such establishments in future.

The landholders and the farmers were, therefore, relieved of their police duties, and special officers were appointed by Government to maintain peace and suppress crime.

And thinking that the income derived from the allowances with drawn and police lands resumed under Regulation I of 1793, would be inadequate, Regulation 23 of the same year (1793) was passed, whicl provided for "raising an annual fund for defraying the expenses ol the police establishments entertained under Regulation 22 of 1793." This fund consisted of a police tax upon the merchants and traders only: so, there were three heads of income out of which, it was proposed, the village police should be maintained.

But it appears that this last Regulation (Regulation 23 of 1793) did not work satisfactorily. The merchants and traders complained that there were oppressions committed upon them by the assessors. It is well known who these traders and merchants were in those days, and so Regulation 23 of 1793 was rescinded by Regulation 6 of 1797 four years later. Section 2 of this rescinding Regulation says:

> The produce of the lands and the allowances resumed, under clause 4, section 8, of Regulation 1 of 1793, being still applicable towards defraying the expenses of the police, are to be carried to the public accounts towards discharging the same as heretofore.

In other words, the police tax upon the merchants and traders was abolished by this Regulation (Regulation 6 of 1797) and in its place a stamp duty was introduced for maintaining and improving the police in the villages. Again there were three heads of income for the maintenance of the village police.

But various sections of the Regulation (Regulation 6 of 1797) were also repealed between 1800 and 1814, although they referred only to the method of raising the stamp-fees. Ultimately, however, all the unrepealed portion of this Regulation were repealed by Act 29 of 1871, although its preamble still exists in its original form in the Statute Book.

Long before this, as the income derived from stamp-duty was being spent elsewhere and as the two other heads of income were insufficient, the question of throwing the burden of maintaining the rural police upon the zamindars was raised by Government and when it took final shape a Bill was introduced in the Governor-General's Council on the 26th November, 1851, in which it was proposed to levy a tax on the landholders for the support of the village watchman for the first time in the history of British Rule in this province. It was most bitterly opposed by the land-owning classes of Bengal on the main ground that the Government were for ever precluded by the term of the Permanent Settlement from adopting such a course.

Sir Barnes Peacock, subsequently the illustrious Chief Justice of Bengal, but then a member of the Viceregal Council, in a minute, dated

6th March, 1854, argued the question from all its different aspects and recorded his deliberate opinions thus:

> The imposition of a tax upon the proprietors of agricultural lands for the maintenance of the village police would be a violation of the engagement entered into by the Government at the time of the Permanent Settlement.

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But in 1859, Sir A. Ricketts brought up a Chaukidari Bill and observed that the landholders were bound to meet the cost of the village watch. This Ricketts Bill was, however, not proceeded with and the question remained in abeyance till 1868, when Mr. Hobhouse, the then District Judge of Midnapur, introduced a Bill practically on the same lines. This encountered much opposition and was finally withdrawn. But the tremendous opposition, which the Hobhouse Bill met, led the Government to depute Mr. D. J. Mackneil, C.S., in 1865-66 to inquire into the subject fully and report. Mr. Mackneil after an exhaustive inquiry into the historical origin and development of the village watch as well as into all the Rules and Regulations, Acts and Laws passed in this connection by various Governors-General in Council, came to the conclusion that:

> The landholders, as such, are not and never have been bound to maintain village watchmen.

He, therefore, proposed the entire abolition of the village watch and the substitution thereof by policemen appointed by the Magistrate. This force was to be paid by a police tax to be levied from the zamindars, who would recover it as land rent from their tenants, who in their turn, would recover it from the raiyats.

It is needless to point out here that his proposal was intended to pacify the zamindar or landholding critics, for they were told to realize their amounts from the down-trodden raiyats. But history tells us that the zamindars and the land-owning classes could not be purchased by any inducement whatever, and as a consequence the opposition to this proposal was the greatest compared with all its predecessors.

Then came the year 1870, when a compromise between the Government and the people was arrived at and it was embodied in Act VI of 1870—the first Chaukidari Act of this province. The then Government admitted that the village chaukidar was purely a village servant and he could be appointed or dismissed by the village panchayet, without any reference to the District Magistrate or any other exalted personage. The people, therefore, consented to maintain him as best as they could, thinking all the while that it did not mean much to them, as the

And thinking that the income derived from the allowances withdrawn and police lands resumed under Regulation I of 1793, would be inadequate, Regulation 23 of the same year (1793) was passed, which provided for "raising an annual fund for defraying the expenses of the police establishments entertained under Regulation 22 of 1793." This fund consisted of a police tax upon the merchants and traders only: so, there were three heads of income out of which, it was proposed, the village police should be maintained.

But it appears that this last Regulation (Regulation 23 of 1793) did not work satisfactorily. The merchants and traders complained that there were oppressions committed upon them by the assessors. It is well known who these traders and merchants were in those days, and so Regulation 23 of 1793 was rescinded by Regulation 6 of 1797 four years later. Section 2 of this rescinding Regulation says:

> The produce of the lands and the allowances resumed, under clause 4, section 8, of Regulation 1 of 1793, being still applicable towards defraying the expenses of the police, are to be carried to the public accounts towards discharging the same as heretofore.

In other words, the police tax upon the merchants and traders was abolished by this Regulation (Regulation 6 of 1797) and in its place a stamp duty was introduced for maintaining and improving the police in the villages. Again there were three heads of income for the maintenance of the village police.

But various sections of the Regulation (Regulation 6 of 1797) were also repealed between 1800 and 1814, although they referred only to the method of raising the stamp-fees. Ultimately, however, all the unrepealed portion of this Regulation were repealed by Act 29 of 1871, although its preamble still exists in its original form in the Statute Book.

Long before this, as the income derived from stamp-duty was being spent elsewhere and as the two other heads of income were insufficient, the question of throwing the burden of maintaining the rural police upon the zamindars was raised by Government and when it took final shape a Bill was introduced in the Governor-General's Council on the 26th November, 1851, in which it was proposed to levy a tax on the landholders for the support of the village watchman for the first time in the history of British Rule in this province. It was most bitterly opposed by the land-owning classes of Bengal on the main ground that the Government were for ever precluded by the term of the Permanent Settlement from adopting such a course.

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panchayet would be their own man and as he would not be molested in any way by any authority, high or low, in the matter of his assessment list.

Accordingly, on the 22nd of January, 1870, Mr. Rivers Thompson introduced a Bill in the then local Legislature and in doing so he observed as follows:—

> The Bill proceeds upon the recognition of the fact that the village chaukidar is purely a village servant, employed for the protection of the lives and property of the villager, and looking to the village community for the regular payment of the remuneration to which he is entitled.

As I have said before, this Bill subsequently became law as Act VI of 1870. The main feature was that the panchayet was to appoint the chaukidar or dismiss him and determine his pay according to his own light. The District Magistrate was to visit the village and explain the provisions of the Act to the people before it was introduced therein (*vide* section 3). The police was to have nothing to do with the panchayet, and, excepting the Magistrate's power to fine any one who refused to become a panchayet and the local Government's power to frame rules for the guidance of the panchayets, the panchayet and the village chaukidars entirely belonged to the villagers.

This right of the people was taken away by Act I of 1892, which empowered the District Magistrate to appoint and dismiss, reward and punish the chaukidars. Under this Act, the villagers lost all control over the panchayets and the chaukidars, who became the servants of the State from now, but who continued to be maintained from out of the proceeds of the chaukidari tax which, as a compromise, the people had consented to pay in 1870.

Then came the year 1919, when the Bengal Village Self-Government Act was passed. It is said that this Act has given us self-government in the villages. It was passed into law after the most solemn promises had been made that we would be given responsible Government stage by stage. I need not remind the House of the sacred utterances in the Mother of Parliaments in this behalf. I know I have been described as an arch-destroyer of local self-government in this province, but may I ask if this Act has really given self-government regarding the chaukidars?

Before the advent of the English, the State used to pay and the zamindars used to appoint and dismiss the village police. Our rulers for about 35 years accepted this principle.

Then they stopped the payment and transferred the control from the people to themselves.

They found that they could not maintain them out of the proceeds of the State allowances withdrawn and police lands resumed and so

they proposed additional police taxes. But they were either insufficient or they did not solve the problem, as their income was taken to meet other expenses.

They were so barefaced that they then proposed to tax the people further for maintaining the village police. This was stoutly opposed by the people.

They then gave the people self-government regarding village police in 1870 and then the people consented to pay something to maintain them.

Then the self-government was taken away in 1891 and all that remained was the chaukidari tax of 1870, which the people consented to pay as a compromise.

Then in 1919 what did they do? They did not give what their predecessors had given us in 1870—50 years ago—and they did not give us anything new as they promised to give in their Royal Proclamation and elsewhere. We were fit to manage our chaukidar in 1870, but in 1919 after 50 more years of education and advancement, they said we were unfit to manage them. It is, indeed, a standing shame to the administration of this country. It is a disgrace to all those of our administration who say that they are progressive and honest.

In 1919, not only did they think that we were unfit to manage our chaukidar, but they also thought that we had grown richer to pay a higher rate of chaukidari tax and so they left the question of pay and equipment of chaukidars and dafadars to the District Magistrate.

If I have been an arch-destroyer of local self-government in this province, I have not the least hesitation in saying that they have been the arch-conspirators to take away the very shadow of self-government that is still left in us in every department of our life.

Look at the position which has been taken up by them even to-day here and now. They oppose Rai Harendranath Chaudhuri's motion and say that the words "subject to the approval of the District Magistrate" should come first and then the remainder of the sentence. The object is obvious. They intend to make the District Magistrate the supreme authority in these matters.

I say, therefore, that we, the representatives of the people, should tell these arch-conspirators in the most unmistakable terms possible, that whatever might be their final decision regarding this question we for ourselves want the fullest and the most complete control of our chaukidars and dafadars. The words "subject to the approval of the District Magistrate" must go altogether. They have broken many pledges already. Let them break the pledge of Mr. Rivers Thomson that he recognized the fact that the village chaukidar is purely a village servant, employed for the protection of the lives and property of the villagers, and looking to the village community for the regular payment of the remuneration to which he is entitled.

[At this stage the Council was adjourned for 10 minutes.]

[After the adjournment.]

Babu AMULYA DHONE ADDY: I beg to support the amendment of the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur of Nadia to refer this Bill to a Select Committee.

I am opposed to piecemeal legislation and to a hasty one. This Bill consists of two clauses only, but as several suggestions have been made for the improvement of the provisions of this Bill, I think it is only just and right that it should be referred to a Select Committee to consider the details thereof.

It appears that Mr. S. W. Goode has given notice of several amendments for the improvement of the clauses of the Bill. Babu Naliniranjan Sarker has also given notice of similar amendments. I do not think we are in a position to consider all these details. It has been stated by the Mover of the Bill that in the case of a similar Bill introduced by the Hon'ble Sir Hugh Stephenson the Bill was not referred to a Select Committee. It is further stated by him that in the case of a similar Bill introduced by Babu Indu Bhusan Dutt it was not referred to a Select Committee. But I beg to submit that there is no reason whatever why this Bill should not be referred to a Select Committee.

Mr. B. N. Sasmal has made several suggestions, and having regard to the fact that he is the Chairman of a District Board of a very important district in Bengal, his suggestions should receive careful consideration. I am personally of opinion that the matter should be referred to a Select Committee, and that was the reason why I did not send notice of amendments, or else I would have.

Under the circumstances I think it is right and just that the matter should be referred to a Select Committee.

Having regard to the amendment of Babu Naliniranjan Sarker that it should be referred to a Select Committee consisting of certain members, it appears that there is no opposition to the nomination of members nominated by Government and in the absence of any opinion to the contrary, I think we would be justified in accepting the suggestion of the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur of Nadia as regards the composition of the committee.

Babu AKHIL CHANDRA DATTA: When the Bengal Village Self-Government Act was passed in 1919 I tried to do something in that direction. I moved an amendment which ran as follows:—

> "The union board shall appoint such person as it considers fit to be a dafadar under this Act and shall, when a vacancy exists, appoint a person to be a chaukidar under this Act; The union board may dismiss any dafadar or chaukidar."

At that time I cried in the wilderness; the motion was not carried. That was in 1919, a very significant year in which not only was responsible self-government introduced in remote villages or said to be introduced, but also the year in which the Reforms Act was passed. We talk of provincial autonomy, which is to come in the near future, but what about this small village autonomy, even this insignificant village autonomy which is being persistently withheld? We are controlled even in this small matter, the appointment of even the village watchmen. We are seeking the removal of this control, and we are told not yet, not yet. You will have it not to-day but to-morrow. There is no knowing when that to-morrow will ever come. According to the Bengali proverb that to-morrow will probably never come.

Like dyarchy in the provincial Government, we have got dyarchy in the village also. We are very fond of dyarchy. In the village also there is a dual authority; the Magistrate and the police, or to be more accurate, on the one hand the police and the village authorities, the Union Board, the panchayet on the other. If we may compare a small thing with a big thing (it is going from the sublime to the ridiculous). Our chaukidar is something like a Minister under the Reforms. The Minister is supposed to be a loyal Minister, loyal to the people, loyal to their elected representatives but in fact loyal to somebody else, loyal to the bureaucracy, following the bureaucracy like a shadow to the lobby. Like the Minister there is also the chaukidar who has got to serve two masters. He has got the village Union Board on the one side and the police on the other, and we all know how in actual practice sometimes conflicting orders are passed upon the village chaukidar for the performance of his duties. The President of the Union Board is the real master because the Union Board pays his salary, but the daroga of the local thana is the *de facto* master, and we all know how these chaukidars are treated; they are treated as nothing better than menial servants by sub-inspectors. What is all this due to? The real explanation is that both in the matter of appointment and dismissal, the real power rests with the police, I say police, but the power is really with the Magistrate. When the matter is analyzed, it appears that the real power is in the hands of the police officers, and therefore we often find in actual practice that sometimes a village chaukidar is dismissed in the teeth of a protest from the union board. It is not a matter of infrequent occurrence. If anybody thinks that I am only drawing a fanciful picture then I shall refer him to one specific instance. A chaukidar, named Makram Ali, of the Laksam thana in the district of Tippera was dismissed the other day inspite of repeated protests of the union board; that is the inevitable result of this sort of dual authority in the villages. It goes without saying that the union board can hardly exercise any authority over the village police; it is, therefore, high time that this small modicum of relief should be granted and not resented.

Babu MANMATHA NATH ROY: I was not inclined to speak on this question but as I have some personal experience in this matter, namely, the question of the services obtained from the dafadars and chaukidars, I wish to say a word or two. I know of many instances where this dual control has been responsible for the circumstances mentioned by several speakers to-day. These chaukidars and dafadars are wholly useless for the locality where they are supposed to work. They often evade the work both in the union board and in the police. When they are asked to do some work by the President of the board they put forward the plea that they are engaged in some work for the police, and therefore they cannot do the board work. I have also information to this effect that when they are called upon to do some work by the police they evade the work just as they do in the case of the union board work. This is an anomaly which must disappear and as the object of the Bengal Village Self-Government Act was to place these dafadars and chaukidars under the control of union boards primarily they must be appointed by them and dismissed by them, without any approval or confirmation by the district magistrate. The power to appoint or dismiss them should be made absolute in favour of the union board. This will remedy the evils arising out of the dual system of control. I know of one instance in the Howrah district where a chaukidar—I have heard it from a President of one of the union boards—was reported against by the President of the union board for neglect of duty; the matter went up to the District Magistrate; nothing was done for half a year, and then at last a note came from the District Magistrate that no action would be taken in the matter. If this is the state of things, it will be admitted that the change in the Village Self-Government Act has not achieved the purpose for which it was intended.

With regard to the other matter it seeems to me that certain other changes are essential in order to advance the purpose for which the Act was introduced and unless these changes are brought about no real improvement will be possible.

Babu BEJOY KRISHNA BOSE: The question seems to me to be a very simple one, namely, whether the present law with regard to the appointment of chaukidars ought to be continued, that is to say, whether the union boards should nominate them and the District Magistrate appoint them, or whether the union boards should nominate and appoint them also, but that their appointment should require the approval of the District Magistrate. This is the simple question before the House. I do not think that as a business proposition the approval of the District Magistrate is at all required, but the question from the Government point of view seems to be not so very simple. We may think that the chaukidar is a very humble individual but it appears that he is not so.

Mr. PRESIDENT: Mr. Naliniranjan Sarker, members should not cross between the speaker and the President; you have done so twice within five minutes.

Babu BEJOY KRISHNA BOSE: It seems, Sir, that the chaukidar is not such an unimportant person. Whenever a big person passes by a special train, these chaukidars are drafted from a distance and they are kept on the railway line perhaps for days together on a small pittance. I know that the Government's statistical department will suffer if these chaukidars come under the control and guidance of the union boards; if Government want to know how many acres of land are cultivated these chaukidars are there to give that information. If a census of date trees or palm trees is necessary, or the number of deaths from snake-bite—all these statistics are supplied by the chaukidar. He is a very important person and therefore the District Magistrate must have control over him and he must have a hand in his appointment. He is supposed to keep watch and ward over the properties of the public as he is a limb of the police. The villagers know to their cost how their vegetables, their bunches of plantain disappear owing to the existence of this watch duty of the chaukidars. They are made to do duties of gardeners at the houses of President panchayets and police darogas if not other much humbler duties. And so they are to be appointed by Government. Even this very simple task of appointing chaukidars is not to be given to us in these days when people talk loud of self-government. This is a very simple matter and I think it ought to be discussed in this Council at the present moment. It is not necessary to refer it to a Select Committee.

Rai HARENDRANATH CHAUDHURI: When I introduced this Bill in the Council I had no idea that so many persons would be inclined to refer it to a Select Committee but both from the Treasury benches as well as from the Opposition, motions have been tabled for referring it to a very big Select Committee. If I find that in deference to the wishes of so many members of the Council, most of the members are inclined to refer it to a Select Committee, then, of course, I must yield. As for myself I do not think that any case has been made out for the reference of this Bill to a Select Committee. Similar short Bills were introduced in this Council previously; they were considered by the Council and passed without the help of any Select Committee either big or small. So I cannot understand why my Bill should be referred to a Select Committee.

As I have said my Bill does not propose any innovation at all. I have not proposed anything which does not appear in the amended Village Chaukidari Act or which was not in the Village Chaukidari Act before the amendment of 1892. Therefore, I see no reason for the reference of my Bill to a Select Committee. The Council can take this

small Bill immediately into consideration and effect such improvements as they desire and pass it or throw it out as they like. But to refer the Bill to a Select Committee would be a mere waste of much valuable time. I am, therefore, not personally agreeable to the proposal of referring the Bill to a Select Committee.

The motion of the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur of Nadia that the Bengal Village Self-Government (Amendment) Bill, 1925 be referred to a Select Committee consisting of Mr. S. W. Goode, Rai Abinash Chandra Banerjee Bahadur, Khan Bahadur Kazi Zahirul Haq, Maulvi Ekramul Huq, Maulvi Kader Baksh, Raja Manmatha Nath Ray Chaudhuri of Santosh, Rai Sahib Panchanan Barma, Maulvi Sayedul Hoque, Babu Satya Kishore Banerjee, Babu Boroda Prosad Dey, Raja Maniloll Singh Roy of Chakdighi, Mr. Altaf Ali, Dr. A. Suhrawardy, Rai Satyendra Nath Roy Choudhuri Bahadur, Rai Harendranath Chaudhuri and the mover, with instructions to submit their report as soon as it is ready, and that the number of members whose presence shall be necessary to constitute a quorum shall be five was then put an a division taken with the following result:—

AYES.

Abbott, Mr. E. G.
Addams-Williams, Mr. C.
Addy, Babu Amulya Dhone.
Ahsanullah, Moliah.
Aley, Khan Bahadur S. Mahboob.
Ali, Maulvi Sayyed Sultan.
Ali, Mr. Altaf.
Barma, Rai Sahib Panchanan.
Basu, Babu Jatindra Nath.
Best, the Hon'ble S. J.
Birley, Mr. L.
Browne, Mr. P. H.
Chartres, Mr. C. E.
Chaudhuri, Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Cohen, Mr. D. J.
Corcoran, Mr. D. J.
Daud, Mr. M.
De, Mr. K. C.
Dey, Mr. C. C.
Donald, the Hon'ble Mr. J.
Dess, Rai Bahadur Pyari Lal
Dutt, Mr. C. S.
Forrester, Mr. J. Campbell.
Ghuznavi, Hadji Mr. A. K. Abu Ahmed Khan.
Goenka, Rai Bahadur Badridas.
Goode, Mr. S. W.
Haq, Khan Bahadur Kazi Zahirul.
Heard, Major-General Richard.
Hopkyns, Mr. W. S.
Hossain, Khan Bahadur Maulvi Musharruf.
Huq, Maulvi Ekramul.
James, Mr. F. E.
Jennaway, Mr. J. H.
Khaitan, Babu Debi Prosad.
Lal Mahammed, Haji.
Law, Raja Reshee Case.
Liddell, Mr. H. C.
Lindsay, Mr. J. H.
Mittar, Sir Pravash Chunder.
Mukerji, Mr. S. C.
Nandy, Maharaj Kumar Sris Chandra.
Oaten, Mr. E. F.
Parrott, Mr. P.
Rahim, the Hon'ble Sir Abd-ur-.
Rahman, Mr. A. F.
Ray, Babu Nagendra Narayan.
Ray, the Hon'ble Maharaja Bahadur Kshaunish Chandra.
Ray Chaudhuri, Mr. K. C.
Ray Chaudhuri, Raja Manmatha Nath.
Roy, Mr. S. N.
Roy, Raja Maniloll Singh.
Salam, Khan Bahadur Maulvi Abdus.
Sarkar, Maulvi Allah Bukhsh.
Smaith, Mr. J. P.
Stephenson, the Hon'ble Sir Hugh.
Suhrawardy, Dr. A.
Travers, Mr. W. L.
Woodhead, Mr. J. A.

NOES.

Ahamad, Maulvi Ashmeddin.
Ahmed, Maulvi Najmuddin.
Ahmed, Maulvi Tayebuddin.
Ahmed, Maulvi Zameer.
Bagchi, Babu Romes Chandra.
Baksh, Maulvi Kader.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Satya Kishore.
Banerjee, Mr. A. C.
Bose, Babu Bejoy Krishna.
Chakravarti, Babu Jogindra Chandra.
Chakraverty, Babu Sudarsan.
Chatterjee, Babu Umes Chandra.
Chaudhuri, Maulvi Saiyed Abdur Reb.

Chaudhuri, Raj Harendranath.
Chaudhury, Maulvi Md. Nurul Huq.
Choudhury, Maulvi Fazial Karim.
Chunder, Mr. Nirmal Chandra.
Das, Dr. Mohini Mohan.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Dey, Babu Dereda Prosad.
Gafur, Maulvi Abdul.
Ganguly, Babu Khagendra Nath.
Haldar, Mr. S. N.
Hoque, Maulvi Sayedul.
Hossain, Maulvi Wahed.
Huq, Mr. Mahbubul.
Jeardar, Maulvi Aftab Hossain.
Khan, Maulvi Abdur Rasheid.
Khan, Maulvi Amanat.
Khan, Maulvi Mahi Uddin.
Mahammad, Maulvi Basar.
Maity, Babu Mahendra Nath.
Masih, Mr. Syed M.
Mitra, Babu Jogendra Nath.
Morgan, Dr. H. W. B.
Mukerjea, Babu Taraknath.
Nasker, Babu Hem Chandra.
Neogi, Babu Manmohan.
Pahlowan, Maulvi Md. Abdul Jubbar.
Quader, Maulvi Abdul.
Raikat, Mr. Prasanna Deb.
Ray, Babu Abanish Chandra.
Ray, Babu Surendra Nath.
Roy, Babu Manmatha Nath.
Roy, Babu Satcowripati.
Roy, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy Choudhuri, Rai Bahadur Satyendra Nath.
Sarkar, Babu Hemanta Kumar.
Sarker, Babu Naliniranjan.
Sasmal, Mr. B. N.
Sen Gupta, Mr. J. M.
Tarafdar, Maulvi Rajib Uddin.
Yasin, Maulvi Muhammad.

The Ayes being 58 and the Noes 57, the motion was carried.

Babu Naliniranjan Sarker's motion was not put as it was covered by the decision of the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur's motion.

The Bengal Local Self-Government (Amendment) Bill, 1925.

Maulvi SAYEDUL HOQUE: I beg to move that the Local Self-Government (Amendment) Bill, 1925, be taken into consideration.

In doing so, I wish to make it quite clear at the very beginning, whether any kind of responsibility is to be handed over to the local bodies and, if so, to what extent. In the year 1917, if I remember aright, the Government made a declaration to grant responsible self-government to this country. Whether this declaration had been made on the consideration of the intrinsic merit of the question or merely to placate the Indian sentiment at the troublous time of war, devolves by no means on me to answer. I refer to the first paragraph on page 292 of the Bengal Legislative Council Manual 1924, which runs thus:

Whereas by the Government of India Act, provision has been made for the gradual development of self-governing institutions in British India with a view to the progressive realisation of responsible government in that country as an integral part of Our Empire, and whereas it is Our will and pleasure that in the execution of the office of Governor in and over the Presidency of Bengal, you shall further the purposes of the said Act to the end that the institntions and methods of government therein provided shall be laid upon the best and surest foundations that the people of the said Presidency shall acquire such habits of political action and respect and such conventions as will best and soonest fit them for self-government.

Sir, we can assume that these words are spoken with the best of intentions; yet the question of forces itself whether these things are talked as a matter of favour or as a matter of right or more properly as

a matter of fact or as a matter of courtesy. Do the Indians deserve self-government? The answer will, to a great extent, depend on, from which end of the telescope the view is taken. Is India to be exploited, is India to oust her life blood to quench the thirst of the foreigners and bleed herself to death or her interests to be safeguarded from molestation, her trade and commerce allowed to grow freely, and her solidarity and national growth to have an unchequered career?

No one will confess to support the former and betray the cause of the latter. If so, to avoid the one and to acquire the other, I know of nothing else that the self-governing institutions meetioned in the above quotation; these institutions are not to be in name, not in form but in real spirit and substance. Semblance and outward grandeur may for a time stupor a person, much less a nation, but it is sure to yield one day when its bare and naked hollowness will invite condemnation out and out. When it is somehow discovered that the author of the structure did it, not with the best of intentions, discontent, suspicion and hidden anger will reign supreme in the hearts of the sufferers if they be not strong enough to retaliate the like for the like. Its result is far more worse than the plain denial. It is thousand times better to put the cards on the table than to make a show of fair play. If business is meant, allow the Indians to share the responsibilities or they should be plainly told that they are not fit for shouldering any responsibility. We find almost all doors to responsible positions are shut against the Indians in spite of the declaration or pious wishes to the contrary. We can quote many reliable English authorities on the subject. To mention one, John Dickinson, M.R.A.S., F.R.C.S., writes:

> I could mention many other proofs of the personal bravery of the natives (of India) but it has always been conspicuous. So I will merely remind the reader of the brilliant native armies of Clive, Lawrence and Coote, which carried our way to Empire. And those armies, unrivalled for valour and loyalty, were officered by native gentlemen with only one or two Europeans to a brigade! and this was our original system in India until the thirst for patronage, as usual, surmounted every other considerations and substituted Europeans for native officers.

Sir, I have never known any Indian to occupy, at the present moment, the position of a Chief Secretary to any Provincial Government, not to speak of the Central Government. My friends may refer me to Hon'ble Members and the Ministers, but having due regard to them I submit that they are more or less the creatures of the Secretariat which sway the greatest influence in moulding the opinion of the Government. "Educate our masters" are the words of His Excellency the Governor of the United Provinces. His Excellency referred to the voters. But we are yet to learn that such education can be had in spite of the deprivation of the experience arising out of practical realities of responsible career. We have heard much but we have seen less.

[At this stage, the time fixed for the taking up of the motion for an adjournment of the business of the Council having been reached, the mover had to resume his seat.]

Motion for an adjournment of the business of the Council.

Mr. J. M. SEN GUPTA: Sir, I beg to move for an adjournment of the Council to discuss a matter of urgent public importance, *viz.*, the recent treatment of political prisoners as evidenced by the transfer on the 22nd November, 1925, of political prisoners Babu Jogesh Chandra Ghose, Somesh Chandra Sen and Santosh Kumar Dutt from Berhampur Jail to Hazaribagh Jail without any sort of clothing or without giving them any notice to make provision for their journey. Sir, it is perfectly clear from the wording of the motion that the attention of the House is drawn to the question of the treatment of political prisoners as a whole and as an example——

Mr. PRESIDENT: Order, order. That is not so. You have made your case definite, and you are only to discuss the cases of the three political prisoners named by you.

Mr. J. M. SEN GUPTA: Before you give your ruling may I not ask you to consider whether or not having regard to the wording of the motion, namely, the " treatment of political prisoners ". I shall not be permitted to refer to the political prisoners as a whole.

Mr. PRESIDENT: Do I understand that you are raising a point of order?

Mr. J. N. SEN GUPTA: Yes, my point is this: the motion is perfectly clear on this point, namely, that I am drawing the attention of the House to the recent treatment of political prisoners. How do I do that? I say " as evidenced by the recent treatment of three of them ". Thereby I do not confine myself to the three prisoners I mention. Certainly I can give that as an illustration. I claim my right and I ask you to decide whether I am entitled to speak on the recent treatment of political prisoners as a whole.

Mr. PRESIDENT: I am afraid I cannot agree with you Mr. Sen Gupta, because any motion for adjournment must be specific and must refer to a recent occurrence, and having referred to the recent occurrence of 22nd November with regard to certain politictl prisoners in your motion you must confine your remarks to these three prisoners alone.

Mr. J. M. SEN GUPTA: I bow to your decision but I do so under protest, because I say again that although I bow to the decision of the

Chair here in this House, as I am bound to do, the resolution is perfectly clear that it refers to the recent treatment of political prisoners as a whole and as an illustration I cited the treatment which was meted out to the three political prisoners on 22nd November, 1925.

Sir, I will not refer to-day to the feeling in the country against the Ordinance or Regulation III. The opinion of the Council has been expressed against them unequivocally more than once. We have condemned both the measures. We have asked the Government to repeal Regulation III and we have refused to pass the Bengal Ordinance under which most of the prisoners are being confined at present. To-day I shall only refer—and I am sorry, I shall have to refer only to the three prisoners but I hope I shall be able to satisfy the House—and even though I am confined with regard to this resolution only to the case of three political prisoners—I hope, I shall be able to satisfy the members of the House that such treatment should never be meted out to political prisoners by any Government which desires to call itself civilised.

What are the facts of the case? The facts are perfectly clear. On the night of 22nd November these three prisoners received a chit from the Superintendent or the jailor that they were wanted at the office. At that time they had no clothes on the upper part of the body as they were taking some exercise. They were immediately marched before the jailor and they were told that they would have to take a journey immediately—a long journey from Berhampur to Hazaribagh. They had to go *via* Calcutta. They protested. They said that they had asked for warm clothes from a month before. No winter clothes had been supplied. They said that they ought to be allowed to go back to their cells to get whatever clothes they could get hold of, warm or otherwise. That prayer was also refused. They were compelled to take their journey that very evening without any clothes and we know that these facts were published in the press and the Government knew it on the morning of the 23rd. Sir, happily or unhappily I was at Hazaribagh on the night of the 21st as also on the 22nd when I travelled down to Calcutta. I know that at that time of the year it was fairly cold at Hazaribagh—much colder than we have had here in Calcutta or in this side of Bengal this season. Not only were they not given any warm clothes but they were actually taken without any covering on the upper part of their body from Berhampore to Calcutta, at any rate. After that what happened I do not know. But I do charge the Government with maladministration and ill treatment of political prisoners after detention without trial. It may be that they have been under detention without trial—that they were confined under an Ordinance which we wanted to throw out—it may be that some members of the House opposed us at that time as they were convinced that there were some reasons of state for such detention without trial—and I ask to-day the

members of the House opposite, particularly my English friends that they should not complain if the Indians think that they follow the Government into the lobby on every question without caring whether the Government is right or wrong. The question to-day is not whether the Ordinance is justified. The question is whether the Ordinance is being administered in the spirit and according to the letter of the law. What do we find? Some of the prisoners are confined under the provisions of Regulation III of 1818. Section 6 of that Regulation says:—

> Every officer in whose custody any State prisoner may be placed shall, as soon as after taking such prisoner into his custody as may be practicable, report to the Governor-General in Council whether the degree of confinement to which he may be subjected appears liable to injure his health, and whether all allowance fixed for his support be adequate to the supply of his own wants and those of his family, according to their rank in life.

That section is almost *verbatim* reproduced in section 21 of the Bengal Criminal Law Amendment Act of 1925 which replaces the Ordinance. That section runs thus:—

> The Local Government shall make to every person, who is placed under restraint by reason or an order made under sub-section (1) of section 11, a monthly allowance for his support of such amount as is, in the opinion of the Local Government, adequate for the supply of his wants, and shall also make to his family, if any, and to such of his near relatives, if any, as are in the opinion of the Local Government dependent on him for support, an allowance for the supply of their wants suitable in the opinion of the Local Government to their rank in life.

It is the Government's case that " we look after them well, we house them well, we give them proper clothes, but for reasons of state we keep them confined ". Once that is admitted, I ask you, is there any justification for not allowing these prisoners to go and get their clothes from their cells? Is there any justification for dragging them away on a wintry night without any clothes to cover them? There can be justification only if the Government's case is this, namely, that we are treating them in that way so that their lives may be ruined, so that even when they come out they will not be able to follow the ordinary avocations of life, they may not be useful to society, that their health may be undermined to such an extent that they may not carry on the work which they started—the work for the freedom of the country. Therefore I ask the members of the House opposite who have all along supported the Government in passing the Ordinance into law—I ask them to-day to think and ponder whether they will by their action to-night allow the Indian public to be more firmly convinced in their belief that the English members of the House do not care anything for the merits of any question and that they only want to follow the Government into the lobby simply because they think that the Government must be supported at all costs. I am sorry that I cannot give other instances by

reason of the ruling of the President under which I am suffering to-night as we have suffered on many occasions on this side of the House, I am sorry I cannot give other instances of recent ill-treatment of political prisoners, which will horrify the members of the House. But if they will come to me—if the President will allow me another motion I will cite other instances which will show that the treatment of political prisoners is a disgrace to the Government. We talk of the dignity of this House! We cannot protect our own citizens. We cannot protect the members of this very House. We ought to hang down our heads in shame for the humiliation and insult that have been offered to the members of this House.

[At this stage the Council was adjourned for 15 minutes.]

(After the adjournment.)

The Hon'ble Sir HUGH STEPHENSON: Sir, am I to understand that no other member wishes to speak on this motion, because if other members want to speak on the motion, I think it would be convenient if I spoke after them as it will enable me to see how the case develops.

Mr. PRESIDENT: I did not find any one standing up to catch my eye and so I called upon you to reply.

Mr. S. C. MUKERJI: Do I understand that you will not allow us to speak after the Hon'ble Member has replied? The practice in this House has been that once the Government Member has replied to the debate, only the mover of the substantive motion can reply.

Mr. PRESIDENT: If you want to speak I can give you the opportunity now.

Mr. S. C. MUKERJI: Our point is that Mr. Sen Gupta has made an important statement before the House, and we want to know first what Government have to say on the subject. After hearing the two statements we shall be in a position to judge whether we should speak or not. This is a case in which we have heard only one side, we have not heard the other side.

Mr. PRESIDENT: This is a very important point and I do not know how to decide. It is the practice in this House that after the Government Member has replied to the debate no other member can speak.

Mr. S. C. MUKERJI: As a very old member of the House, you will remember, Sir, that there have been occasions when a statement has been made by one member and the Government Member in charge has replied thereto, the President has allowed the House an opportunity of making its views known.

Mr. PRESIDENT: But this question is quite different. Here the debate is limited to two hours only and the Government has the right of reply. If the mover of the original motion does not reply then the Government Member cannot speak again. Once he has spoken I do not think, following the procedure in this House, the debate should be continued any longer.

Mr. J. CAMPBELL FORRESTER: On a point of order, Sir. Is it permissible for a member of the House to speak after the statement made by the Hon'ble Sir Hugh Stephenson has shown that the statement made by the Mayor is not true.

Mr. PRESIDENT: I want to do one thing. It is almost in my discretion to allow a speaker to speak on a second occasion by way of personal explanation. I think I shall have to extend this rule a little further.

The Hon'ble Sir HUGH STEPHENSON: I am very sorry that I have been the cause of delaying this debate but it was not my intention in any way to shut out members from speaking. I only wanted to make my position clear that if the mover makes no further reply I shall have no further opportunity of meeting the points which may be raised by other members if they speak after me.

Well, Sir, the motion is to adjourn the business of the House to discuss a matter of urgent public importance, namely, the recent treatment of political prisoners as evidenced by the transfer on the 22nd November 1925, of certain prisoners from the Berhampore Jail to the Hazaribagh Jail without any sort of clothing or without giving them any notice to make provision for their journey. We have heard Mr. Sen Gupta's impassioned speech on the wrongs inflicted by Government. I propose to give the House the bare facts and leave them to decide. Government had decided to transfer four détenus from Berhampore to Hazaribagh. There are a considerable number of détenus in the Jail at Berhampore and they live together in one association ward. There has always been considerable difficulty in dealing with them at Berhampore. Successive Superintendents have complained that it has been exceptionally difficult in that Jail to maintain the ordinary discipline among the ordinary inhabitants of the Jail——

Babu AKHIL CHANDRA DATTA: On a point of order, Sir. The case of Mr. Sen Gupta is——

Mr. PRESIDENT: Do you want to offer an explanation on behalf of Mr. Sen Gupta? What is your point of order?

Babu AKHIL CHANDRA DATTA: My point of order is—Is the Hon'ble Member entitled to reply on grounds which have not been

taken up at all by Mr. Sen Gupta? He has never disputed or challenged the propriety of the order of transfer from Berhampore to Hazaribagh.

Mr. PRESIDENT: I did not quite hear what Sir Hugh Stephenson said. I shall be careful about what he says.

The Hon'ble Sir HUGH STEPHENSON: As my argument develops, Babu Akhil Chandra Datta will see the relevancy. As I have said, successive Superintendents have complained that the détenus at Berhampore have made it as difficult as possible——

Mr. J. M. SEN GUPTA: On a point of order, Sir. I should like to know whether the Hon'ble Member is entitled to say anything as to whether or not these prisoners created any difficulties in the Jail on a motion that the business of the House be adjourned on the ground that they were not supplied with any clothes for a wintry night's journey.

Mr. PRESIDENT: You referred to the sudden transfer from the Berhampore Jail and I think the Hon'ble Member is entitled to explain to the House why they were suddenly transferred.

The Hon'ble Sir HUGH STEPHENSON: In the last few months the state of indiscipline has been particularly bad and the Jail officers have been threatened with assault. I mention this, Sir, as you have already surmised, because it explains the action taken in not giving the détenus warning of the proposed transfer. Well, Sir, Government issued orders for the transfer of four détenus. They directed the Superintendent of Police to see that these orders were served on the four détenus. Under the Criminal Law Amendment Act the order has to be served on the détenus themselves, and they instructed the Superintendent of Police to make arrangements to carry out the transfer. In view of the state of indiscipline to which I have referred the Superintendent of Police was of opinion that it was advisable to arrange for the transfer without warning the détenus. He was apprehensive that if warning of the proposed transfer was given to the détenus it would be impossible to carry out without dragging in the whole of the remainder of the détenus, and having regard to the previous incidents in the jail and to the attitude of the détenus on this occasion, I think, he had ample reasons for his apprehension.

The train from Berhampore to Sealdah leaves at 1 A.M. The Superintendent of Police deputed the Assistant Superintendent to serve the orders of transfers on the four détenus. He went to the jail, sometime about 6 o'clock in the evening. He sent for the four détenus and the Superintendent of the Jail informed him that one was unable to travel. No further action was taken with regard to him. The other three came in obedience to the summons to the gate-house of the jail and they were

informed that that Government orders were that they should be transferred to Hazaribagh and that arrangements had been made to take them under escort that night to Hazaribagh. The three détenus declined to receive the orders on the ground that they had not sufficient warm clothing to go to Hazaribagh. The orders of Government were accompanied by a list of the articles which the détenus were to be permitted to take with them. Those articles were in the possession of the détenus and in their sole control. Amongst those articles were for each détenu 1 warm coat, 2 woollen shirts, 2 pairs of woollen socks, a rug, and, I think, I am right in saying, a sweater. When the détenus raised the point that the warm clothing that they had was insufficient for the journey to Hazaribagh, the Superintendent of the Jail, who is the Civil Surgeon of the district, was appealed to. He certified that the warm clothing they had was amply sufficient for the journey. The détenus still declined either to sign the orders, or to take any further action, and at 8 P.M. the Superintendent of Police was sent for. He went to the jail and tried to reason with the détenus, but finding that they declined to sign the orders——

Babu AKHIL CHANDRA DATTA: May I know what is the date of the certificate of the Civil Surgeon about the ampleness of the clothing?

The Hon'ble Sir HUGH STEPHENSON: On the very same night. The Superintendent of Police thereupon took the necessary endorsement of witnesses that the orders had been served on the détenus. He then proceeded to attempt collecting the belongings of the détenus. For the reasons which I have already stated, reinforced by the fact that the détenus were exceedingly abusive in their language to him on the present occasion, he decided that it was not possible to allow the détenus to go back to their ward, where the rest of the détenus were assembled, in order to collect their things. He, therefore, got the Superintendent of the Jail to depute jail warders to go to the ward and collect all the belongings of these three détenus. The jailors went to the ward, and returned and said that the remaining détenus in the ward absolutely declined to allow them to touch any of the property in their room or to point out the belongings of these three détenus and had, moreover, so mixed up the things that it was impossible to identify them.

The Superintendent of Jail then asked the Superintendent of Police to accompany him with the Assistant Superintendent to the ward and endeavour to reason with the détenus in the ward and to get them to point out the property of the three détenus for their use on the way. The only response was abusive jeers, and taking advantage of the fact that the ward had been unlocked when the jailors first went into it a considerable number of the remaining détenus pushed their way past

the jailors and came out into the jail yard. They congregated round the jail gate-house and through the office window shouted instructions to the three détenus in the office to the effect that they should resist to the end and if they were taken away by force they should throw off all their clothing so that they should be taken away naked. The three détenus at that time were clothed in a shirt and warm *chaddar*. It is perfectly true that they had been taking exercise before they were locked up in the ward, but when they came to the gate-house they were wearing shirts and warm *chaddars*. They took these off and passed the articles through the jail office window to the détenus in the yard, and they remained only in *dhutis*.

The Superintendent of Police then consulted the Jail Superintendent, who, as I have said, is the Civil Surgeon, and the Jail Superintendent said that in his opinion it would be amply sufficient for the journey if he provided each of the détenus with four hospital blankets and four hospital sheets. Twelve blankets and twelve sheets were, therefore, got out of the hospital store. The Superintendent then arranged for a meal to be cooked for the three détenus who declined to eat it unless they were allowed to go to the association ward. At 11-30 the Superintendent of Police informed the détenus that Government orders had to be carried out, that there were carriages outside and he asked them to take their blankets and get into the carriages. They declined. They were then lifted into the carriages and driven to the station. Meanwhile the détenus in the yard were keeping up a fairly continuous shout about police oppression with a view to attracting the attention of the people outside. The performance was repeated at the Berhampore station and the détenus had to be lifted out of the carriages and put in the reserved compartment. They had——.

(Here the Hon'ble Member reached his time-limit, but was allowed to finish his sentence.)

with them 12 hospital blankets and 12 sheets for three men. If they went partially naked it was because they took their clothes off and handed them over through the jail windows in order that they should be able to shout that they were being taken away naked. It was their own doing. If it had been a genuine complaint that they had not sufficient warm clothing to go to Hazaribagh then there was no earthly reason why they should not have taken all the warm clothing that they had and have asked for as many blankets as they desired to keep out the cold on the journey. There is, therefore, no justification for regarding this incident as a piece of unwarrantable *zulum* on the part of the Government or the police.

Maulvi EKRAMUL HUQ: I have heard my hon'ble friend Mr. Sen Gupta as well as the Hon'ble Member for Government with rapt attention. As a visitor of the Berhampore Jail and specially of the

détenus I had also to look to the state of affairs prevailing in that quarter. My friend here, Maharaj-Kumar Srish Chandra Nandy is also a visitor of that Jail and he will bear me out when I say that——

Maharaj-Kumar SRIS CHANDRA NANDY: On a point of personal explanation, Sir. True, I am a visitor of the Berhampore Jail, but I am debarred from visiting the political prisoners.

Maulvi EKRAMUL HUQ: My friend, Mr. Sen Gupta said that if he were to relate what happens inside the Jail compound it would horrify the whole House. Of course it would shock and horrify me if he would have said that the prisoners in the Berhampore Jail were very badly treated for I know that the treatment of the Jail authorities in the Berhampore Jail does not leave much to be desired.

Mr. S. N. HALDAR: May I rise on a point of order, Sir? May I ask if after hearing Maharaj-Kumar Sris Chandra Nandy, Maulvi Ekramul Huq visited the détenus?

Mr. PRESIDENT: That is a question, Mr. Haldar, and the speaker who is in possession of the House may or may not like to answer it. At least I cannot ask him to sit down if he does not give way. It is only on a point of order that he is bound to sit down. If you simply put to him a question and he does not give way but continues to speak I cannot help you Mr. Haldar.

Maulvi EKRAMUL HUQ: I am glad that Mr. Sen Gupta has made no reference to the bad treatment towards the détenus in the Berhampore Jail. The only specific cases that he has mentioned are with regard to the three détenus whom he has named. So far as this question is concerned, we have got the statement of the Hon'ble Member for Government and it is for us to judge whether what he has stated before the House is true or not and it is up to us to decide whether we should go into the lobby with the Government or into the lobby led by my hon'ble friend opposite.

So far as I know, Sir, the District Magistrate and other gentlemen visit the jail, and so far as I am personally concerned I have previously visited the jail and I have every now and then brought to the notice of the jail authorities whatever complaints were made to me by some of the détenus and have spoken to the district magistrates that the things wanted by the détenus should be supplied to them. So far as the question of clothing, housing and fooding is concerned, I have no hesitation in saying that in the Berhampore Jail at least the arrangements are, on the whole, satisfactory.

Mr. S. N. HALDAR: Is Maulvi Ekramul Huq entitled to go into the general condition of the détenus when Mr. Sen Gupta was not

allowed to do so? Mr. Sen Gupta was allowed to refer only to particular incidents and is Maulvi Ekramul Huq in order in deviating from this standard?

Mr. PRESIDENT: I quite agree with you that he is out of order in referring to the general comforts of all the détenus but he can refer to their clothing.

Maulvi EKRAMUL HUQ: So far as clothing is concerned, from what I know, Sir, I know this much that the clothing supplied at the Berhampore Jail is of a kind that many middle class people cannot provide themselves with——

Mr. KIRAN SANKAR ROY: Why don't you go there for a few days?

Maulvi EKRAMUL HUQ: For a week in a month I shall be glad to stay there for recreation if allowed. It is undoubtedly true that some of them make complaints and they want more and more——

Mr. S. N. HALDAR: Is Maulvi Ekramul Huq referring to these three particular détenus or to the whole lot of them?

Mr. PRESIDENT: Presumably he is referring to these three détenus only.

Maulvi EKRAMUL HUQ: I beg to point out, Sir, that I am referring to the generality of them. I submit that these three détenus are included in this generality. The clothing that was supplied to them were of good quality and whenever complaints were made I drew the attention of the authorities and they took action in the matter and had the thing done right.

These are all, Sir, that I know of this case and considering the limited scope put upon our speech I would refrain from detaining the House further but resume my seat with these remarks.

Mr. S. C. MUKERJI: Mr. President, Sir, when Mr. Sen Gupta, the leader of the Swaraj party and the leader of that party in this House, stood up and made a statement about the treatment of certain political prisoners it seemed to me that it was very, very damaging to Government. Sir, whatever difference of opinion there may be regarding repressive laws, I am perfectly sure that there is perfect unanimity in this matter, namely, that political prisoners should be properly treated, and that the Government—a civilised Government—has no right whatsoever to mete out any sort of bad treatment to a political prisoner. Having regard to the position that Mr. Sen Gupta holds in this country and in this House I expected that he was fully alive to the sense of responsibility and I expected from him that he had all the

facts and figures before him, and that he had taken the precaution to get the most accurate information on a subject like this which is likely to stir up a great deal of commotion and excitement throughout the length and breadth of the province.

From a man of Mr. Sen Gupta's position I did not even conceive or dream that this should be regarded as a plank in an electioneering propaganda or it should be——

Mr. PRESIDENT: I call you to order, you are straying away from your point.

Mr. S. C. MUKERJI: I bow to your decision.

(Cries of " you are seeking nomination.")

Mr. S. C. MUKERJI: These kinds of interruption are very rude.

Mr. PRESIDENT: I appeal to the House. The hon'ble member should be allowed to deliver his speech without interruptions.

Mr. S. N. HALDAR: Sir, a member cannot accuse us of making election capital out of this question. Certainly he has no business to talk to us in this way.

Mr. PRESIDENT: I am very sorry that he has made those remarks.

Mr. S. N. HALDAR: You are sorry Sir, but he is not. (Loud laughter.)

Mr. S. C. MUKERJI: I am really surprised that my Swarajist friends get awfully impatient when they get something which is not quite palatable or delectable to them. Now, Sir, we have heard the Hon'ble Sir Hugh Stephenson and he has given facts and figures.

(A VOICE: Where are the figures?)

Mr. PRESIDENT: Order, order. Please allow Mr. Mukerji to proceed.

(There were continued interruptions.)

Mr. PRESIDENT: I appeal to Mr. Sen Gupta to keep his party in order.

Mr. S. C. MUKERJI: My friends think that by heckling me in this way they will make me sit down, but I am not going to do so, I have enough of heckling in my public life.

(Cries of " Sit down, sit down.")

Mr. PRESIDENT: Order, order.

Mr. S. C. MUKERJI: Now, the clear issue raised by Mr. Sen Gupta before this House is this that these three political prisoners were not allowed any clothing. The clear cut answer from the Hon'ble Member is that they were supplied with sufficient and ample warm clothing (Question!), but they like petulent children threw away the warm clothing and did not avail themselves of them.

(A VOICE: Take it with a grain of salt.)

Mr. S. C. MUKERJI: Well, if a statement by the Hon'ble Member has to be taken *cum grano salis*—with a grain of salt, I think, I am entitled to say that the statement of the mover should be taken with a grain of salt.

(SEVERAL VOICES: With two grains of salt.)

Mr. S. C. MUKERJI: So far as I am myself concerned I am not prepared to say that the statement made by the Hon'ble Member in this House is incorrect or inaccurate. It is at least more accurate than the statement made by the mover of this resolution.

Mr. F. E. JAMES: Sir, I have the impression from the previous questions which have been put in this House during this session that this motion is moved more on political grounds than on humanitarian grounds. I do not think any member of this House should confine his anxiety regarding the treatment of prisoners to the treatment of political prisoners alone. I think every member with any sense of responsibility whatsoever for his fellow citizens should be extremely jealous of the treatment not only of political, but of criminal prisoners, and that is the first point on which I should take my own stand.

Babu MANMATHA NATH ROY: Sir, I rise on a point of order. Is it relevant?

Mr. PRESIDENT: What is your point of order?

Babu MANMATHA NATH ROY: Is it open to the hon'ble member who is now speaking to go into the question whether the treatment of political prisoners is in any way different from the question of the treatment of ordinary prisoners?

Mr. PRESIDENT: I think he is developing his grounds, and as a lawyer you ought to allow him, a layman, some latitude to develop his point.

Babu MANMATHA NATH ROY: Mr. Sen Gupta was not permitted to deal with the general question.

Mr. PRESIDENT: Mr. James, you go on.

Mr. F. M. JAMES: My hon'ble friend seems to be suffering from a disease on points of order. Sir, taking the House on both sides—from that standpoint—all we on this side have to go upon are the two statements made, first by Mr. Sen Gupta and second by the Hon'ble Member. It is not possible for us to know the details of jail administration or to visit the détenus who are confined in the various jails. Taking the statements as we have received them in this House, I have endeavoured as far as possible to confine myself to these statements and I have an entirely open mind on the question. I find that while Mr. Sen Gupta's statement was entirely a general one, the Hon'ble Member's statement was detailed in category and on every particular. Mr. Sen Gupta's statement was one which appeared to be unsupported by any direct evidence, at least he did not mention any. The Hon'ble Member's statement was supported throughout by direct communications from the parties concerned. The third point is that while Mr. Sen Gupta's statement was undoubtedly a national statement calculated to arouse feelings, which I am afraid all sides of the House will one day regret, the Hon'ble Member's statement was a dispassionate one and Mr. Sen Gupta knows my countrymen well enough to realise that dispassionate statement is one that is calculated to appeal to them more. Therefore I feel that up to the present or until more evidence is adduced from the other side, the only evidence is in favour of the Hon'ble Member's statement. I trust, as far as possible, all questions of race will be kept out of this discussion; I regret Mr. Sen Gupta dragged it in. We Europeans are in the position of people who are confronting an irresponsible opposition and I will tell Mr. Sen Gupta, if you will allow me, that the moment the opposition on the other side of the House in this matter and in all other matters becomes a responsible one—an opposition which is prepared to take office—our attitude will considerably change, but until it becomes so, we are bound to give benefit of doubt and on the whole to give our support to the Government in power, as being a responsible body. I will also say this on behalf of my European colleagues that if Mr. Sen Gupta will produce definite and authentic evidence of ill-treatment on the part of any authorities to any détenu at present undergoing incarceration in any prison, the whole of the European group will go into the lobby with him, but until he has done so, we cannot take what after all is an extremely serious irresponsibility and I do not think that Mr. Sen Gupta or any body else should expect it.

Babu AKHIL CHANDRA DATTA: In this question of the treatment of détenus, of course, there is nothing new. We have been habituated to this state of things from a very long time. It has been urged by a friend, whether of the people or of the Government—I do not know—that there is the statement of the Hon'ble Member and that ought to be the last word on the subject. If that statement was a

personal statement of the Hon'ble Member based on his own personal knowledge, I for one would certainly have taken it as Gospel truth and the final word on the subject. But we all know—we are not children and we ought to know what is the value of that statement. What is the source of the statement—What is the source of the information? After all, that is the statement, I must say, of the accused—I do not mean the Hon'ble Member to be the accused—but I mean to say of those people who are responsible for the ill-treatment of the political prisoners. Is the statement of the accused to be accepted? If any body accepts that statement to be true, then he only betrays his absolute ignorance of the human character. Now, one of our friends has said: "The statement of Mr. Sen Gupta ought to be taken with a grain of salt". However, what is our experience? Our experience is this: on many matters we have got to accept the statements of Government with a grain of salt. It is only those who eat the salt of Government in some shape or other, can afford to take these statements without any grain of salt. We know the whole history of the internment and treatment of the détenus. It is all well known to us. I have said this in the open Council, in the former Council and in this—I have said this to responsible officials in private interviews—that in many matters we know, from our own personal knowledge, that these statements and communiqués published by Government are based on information given by irresponsible people, by people who are practically the accused in these matters, and therefore simply to say: Well, there is the statement of the Hon'ble Member and therefore the statement of Mr. Sen Gupta must be rejected—is a sort of argument which cannot be appreciated. We wonder if there is a Daniel come to judgment on the other side of the House, because when has has heard the statement of the Hon'ble Member based on certain statements not of his own but of other people, he has at once pronounced the judgment that Mr. Sen Gupta has made his statement in an irresponsible manner. On which side there is want of responsibility—it is for the people and the country to judge.

Babu SARAT CHANDRA BASU: I am sorry I have got to trouble you at this late hour of the day with a speech. It is not my object to start a propaganda for election. My time is almost up and I do not know as yet know whether I am going to stand for election next time or not.

Now, with reference to the conduct of the détenus we have heard two stories. The question is this: Which version is correct? There was a time, there has always been a time, when the presumption was that what was done by Government officers was correct. That is one of the fundamental principles of administration of justice in every civilised country. But it is something different in Bengal at any rate if not the whole of India. The presumption now runs in the opposite direction. Near at home in my own district at Burdwan,

I have ... at Government officers do commit mistakes (cries of—lies—not mistakes) I will not say they lie. I have got my respect for Government officers. But I am sure of one thing and that is they commit mistakes but they seldom own it. I shall not be correct in saying as one of my friends has just said that they never own it. That will not be correct. They do own it. In Burdwan I have seen that they do own it from time to time. But when they do own it? They own it when it suits their interest to do so. It is then that they own their mistakes—mistakes made by high officers like the Commissioners of Divisions or the District Magistrates.

Mr. PRESIDENT: Order, order! I have followed your arguments so far, but I think you are now straying away from the subject matter under discussion. I hope you will come to it at once.

Babu SARAT CHANDRA BASU: With due respect to your dictum I submit very respectfully that they do commit mistakes and they own it when it is convenient for them to do so. However, upon the question whether the détenus have been well-treated or ill-treated there are two versions in this House. None of them has got personal knowledge and you have got only to judge of each by past experience. Our experience tell us that if we were to accept the version of Mr. Sen Gupta with a grain of salt we would have to accept the version of the other side not with a grain of sodium chloride but with a gallon of hydrarj-perchloride. It does not require any very great labour to come to the conclusion as to which version is correct, but at any rate my humble submission is that there are two versions and we will be acting on the safer side to accept the version given by Mr. Sen Gupta. With these observations I support the motion.

Mr. J. CAMPBELL FORRESTER: Sir, I listened with great sympathy to the dramatic speech made by Mr. Sen Gupta as he drew a harrowing picture of political prisoners being dragged away on a cold morning without any clothing—words of disapproval at such treatments, at such inhuman treatment were uttered on this side of the House—until we asked among ourselves if it was true. But, Sir Hugh Stephenson has given a direct denial to the statement backed up in detail, that leaves no doubt in the minds of the members of this side of the House, that it is a manufactured grievance. One of the members has said that his remarks should be taken with a grain of salt.

Mr. PRESIDENT: I would like to hear something new from you. We have had enough of salt already.

Mr. J. CAMPBELL FORRESTER: Well, Sir, if he has doubts in his mind I have none in mine; and am prepared to back Sir Hugh Stephenson's statement as being correct should an inquiry be held.

There is a saying that no one knew a case who does not know both sides of it.

That saying has been well illustrated here. Mr. Sen Gupta should be careful not to bring such unfounded trivial charges, otherwise he will alienate the sympathy of his friends. As the members are aware trivial questons have been asked in the House of Commons at home that has made some of the members of that House ask in irony: Why the prisoners were not supplied with hot water bottles and slippers.

I regret, Sir, that the usual courtesy of Mr. Sen Gupta should have deserted him so far as to allow him to question the ruling of the President. I sit under Mr. Sen Gupta in the Corporation, and am always on my guard to assist in upholding his ruling there, and as he knows the difficulty in controlling the House, he is the last member that should add to the President's difficulties. Before sitting down I would say that if Mr. Sen Gupta can prove any case of cruelty or hardship perpetrated on prisoners or any one else he will find this side of the House following him into the same lobby as himself but he will have to make out a better case than he has done on this occasion.

Dr. J. M. DAS GUPTA: It was not my intention to take any part in this discussion as it is my conviction that bringing this matter before the House is like crying in the wilderness. I have not had an opportunity of having a talk about this matter with my leader nor could I have any talk with him about the matter of the usual treatment which is being meted out to those political prisoners. We have had a discussion about these matters in this House and we have nothing to expect by a discussion again. The only reason why I stand here is because of the speech that has been made by Mr. James. He said that two statements have been made and he wanted to have them compared. But for my part I find that there is no discrepancy in the two statements. It has been admitted by both Sir Hugh Stephenson and Mr. Sen Gupta that the détenus had to undertake the journey at 1 o'clock in the morning without any clothes; and whether they did so willingly or not is quite another matter. If these détenus had tried to commit suicide would the bureaucratic Government have permitted them to do so? I am sure they would never have given such permission. In the same way it is common sense to accept that these political prisoners should not have been allowed to undertake the journey without any clothes. Government are responsible for their good health and it is the Government's duty to take proper precautions against everything. It is an admitted fact that this was not done. Sir Hugh Stephenson throws the responsibility on the boys themselves. I am sure he did not mean to do so. I can tell Sir Hugh Stephenson of a case in which a political prisoner was made to undertake a journey

and suffered in consequence of that journey a disease which he would not have contracted but for that journey and from he succumbed. On the actual fact that there is no discrepancy in the two statements. The mere fact that the prisoners refused to wear their clothes at Berhampore does not in any way take away the responsibility the Government had towards them.

Mr. J. M. SEN GUPTA: Sir, I shall be very brief in my reply because I think the members who have opposed this motion for adjournment have not made out any case whatsoever. I shall deal with Mr. James first. I expressed my fear in my first speech in support of this motion that the members of this House opposite, especially the English members, would not go into the same lobby with us on this question. I knew as Mr. James has told us a few minutes ago that they would make a political question of it. We have not tabled this motion for political considerations. Ours is a humanitarian cry so far as this particular question is concerned.

This is not the first time that we have been charged with acting for political reasons. Whenever we have occasion to work for labourers on strike—people who are not able to eat or sleep and are dying from cholera—Government charge us with political motives and refuse to give a single penny. It was only a few years ago at Chandpur, where this thing happened and Sir Henry Wheeler said—"No, not a single penny will be given—may be that those coolies are dying of cholera, but we will not spend a single penny because the coolies are there for political reasons." Every cry for humanity has been opposed, every cry for help for the labourers on strike has been opposed, on the ground that the Congress has taken up their side. And I see to-day Mr. James getting up and charging us that we have brought this motion for political reasons and not for the sake of humanity. I say again that this motion has only been brought forward because we know that these détenus were taken from one place to another on a wintry night without any covering whatsoever. I see the Hon'ble Member who has opposed this motion has made a statement before the House, but it is not his own personal statement—he did not see these détenus being taken away in that way—he was not in the train when the détenus were throwing off their clothes; he is depending upon the statements of a head constable or a constable, or the jailor, or the Superintendent. Do you expect, I ask—I ask reasonable people, even credulous people—do you expect the Superintendent of the Jail to admit that he did not give them clothes on that night? Do you ask reasonable people to accept this view of the matter—that oh! it is the jailor, it is the Superintendent of the Police, they are high officials, they have made certain statements and those statements have been repeated in this House, why should they tell lies? I say this—why should these détenus tell lies?

Mr. F. E. JAMES: May I ask Mr. Sen Gupta if he will be willing to answer me what is the precise evidence of the statement he is making?

Mr. J. M. SEN GUPTA: The statement of Sir Hugh Stephenson are based on certain statements made by certain officers who are concerned in this case, but the statement made by me is supported by the statement of the persons who actually suffered these indignities, and I say this on behalf of my countrymen—I say this—that these men whatever they might be—they might be anything, they might be poor, they might be only Indians—but one thing we know—they do not tell lies. We know that these political prisoners do not tell lies and we know this—it is an admitted fact—that they were without clothes that night, that they were lifted away without any clothing, that they were taken through a long journey on a wintry night without any coverings. Sir Hugh Stephenson has said that they threw down their clothes while on the train, but that was not seen by the Superintendent of Police or the jailor. That statement, if at all supported, is supported by a head constable, or a constable, or a sub-inspector of police.

The Hon'ble Sir HUGH STEPHENSON: I said that they threw down their clothes in the jail.

Mr. J. M. SEN GUPTA: That makes the case worse for the Government. It was the Government officers' duty to see that these prisoners were not allowed to go in that way. They were lifted into the carriage without any clothes. Is there any denial of that—that they were lifted into the carriage without any clothes? I say this that if they were actually taken away without any clothes on a wintry night, what justification was there for Government to take them in that condition from one place to another. There is no justification whatsoever. Sir, what are the reasons, the State reasons, for which they were taken away that very night, when the Government officials found that these people had to be forcibly carried without any clothes, why could they not wait for the morning train when there would be sunshine and some warmth, why that very night and by that very train? That shows that they did not care whether these prisoners had clothes or not and that fact is not denied. I submit that there is no case made out by the members of the other side in support of the contention of Government that those prisoners had to be removed that very night, their non-removal without clothes that very night would not have caused the Government of Bengal to come to an end. I can understand if it was said that the transfer could not be delayed for even a few hours or that they had to be carried away that very night, but there were no reasons given why they should be carried away that

very [illegible] without any clothing to guard against cold. Sir Hugh Steph[illegible]on has said that the prisoners refused the clothings. The reas[illegible]given by the prisoners themselves are that they were not given the [illegible]ings. Whatever the reasons, the fact is established that they were carried away without clothes. Therefore, I submit that the members of this House who wanted to be satisfied that they were carried away without any clothings that very night ought to be satisfied that these ill-fated prisoners were forcibly carried away that very night in that condition without any justification whatsoever.

The Hon'ble Sir HUGH STEPHENSON: During the course of the debate I think nothing further has come out since my speech. The speeches in favour of the resolution have been merely political harangues and have nothing to do with the specific case. There is one point that has been brought out and that is by Babu Akhil Chandra Datta's speech where he lays down the astonishing doctrine that when you accuse a man, when you bring a charge against a man, his mouth is shut. You may not hear his explanation, you may not hear his side of the case at all. That, Sir, is the attitude which the whole of this side of the House has taken up with regard to this matter.

Babu AKHIL CHANDRA DATTA: On a point of personal explanation, Sir, I have never suggested that the accused's statement ought not to be heard.

The Hon'ble Sir HUGH STEPHENSON: The words he used were: are we such fools as to believe the statement of men who are accused, or words to that effect. The whole atmosphere on this side of the House is comprised in that one sentence. Now, Sir, Mr. Sen Gupta has said that my information is based on reports: that I was not there myself. Quite true; nor was he. His information he claims to have got from the détenus themselves, but he does not tell us how he got it, because the détenus have since then been in the Hazaribagh Jail.

Mr. J. M. SEN GUPTA: I may tell him that they were at the Berhampore station as well as at certain other stations on the way.

The Hon'ble Sir HUGH STEPHENSON: Yes, Sir, and I will also tell him that I have seen the letters which they wrote at the stations, to which he is doubtless referring. But, Sir, all that Mr. Sen Gupta got from the détenus was that they were sent away almost naked, but he cannot give us the circumstances under which the incident took place. He does not mention that each of these détenus had four sheets and four blankets. That, Sir, disposes of Dr. Das Gupta's speech when he says that the responsibility was on Government. Government actually provided each détenu with four hospital blankets before they

undertook the journey. Then, Sir, my answer to Mr. Sen Gupta is this. His charge has practically come down to this: "We do not know how this happened, but anyhow what we do know now is that they were taken away in a naked state: it does not matter whether it was their fault or anybody's fault, it is an admitted fact that they went on the journey without clothing." It is not an admitted fact inasmuch as each man had with him four jail blankets. I have given what we believe are the bare facts: those facts are based upon the reports of Government officials who were present—the Superintendent of the Jail, the Superintendent of Police and the Assistant Superintendent of Police—and the senior Deputy Magistrate in charge of the station was also present. The détenus asked that the District Magistrate should be sent for: the District Magistrate was on tour and the senior Deputy Magistrate, who was in charge, was sent for and he was present when they were removed from the jail. I think this House will decline to brush aside as being of no weight, or as being suspect, or as being necessarily false the statement of the only people who are able to tell us what actually occurred.

Dr. H. W. B. MORENO: Might I ask one question? The Hon'ble Member has said that the state of indiscipline in the jail necessitated the removal of these men without clothing during the railway journey. Is not Government responsible for keeping discipline in the jail and should not more discipline be enforced in the jail?

The Hon'ble Sir HUGH STEPHENSON: It is quite outside the scope of this motion, although I am prepared to tackle this question on any other occasion.

The motion for an adjournment of the business of the Council was then put and a division taken with the following result:—

AYES.

Ahamad, Maulvi Asimuddin.
Ahmed, Maulvi Najmuddin.
Ahmed, Maulvi Tayebuddin.
Ahmed, Maulvi Zanneer.
Bagchi, Babu Romes Chandra.
Bahah, Maulvi Kader.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Satya Kishore.
Basu, Babu Sarat Chandra.
Bose, Babu Bejoy Krishna.
Chakravarti, Babu Jogindra Chandra.
Chakraverty, Babu Sudarsan.
Chatterjee, Babu Umes Chandra.
Chaudhuri, Maulvi Saiyed Abdur Reb.
Chaudhuri, Rai Harendranath.
Chowdhury, Maulvi Md. Nurul Huq.
Chowdhury, Maulvi Fazal Karim.
Chunder, Mr. Nirmal Chandra.
Das, Dr. Mohini Mohan.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Dey, Babu Beroda Prosad.
Gafur, Maulvi Abdul.
Ganguly, Babu Khagendra Nath.
Haldar, Mr. S. N.
Hoque, Maulvi Sayedul.
Hossain, Maulvi Wahed.
Huq, Mr. Mahbubul.
Joardar, Maulvi Aftab Hossain.
Khan, Maulvi Abdur Rashid.
Khan, Maulvi Amanat.
Khan, Maulvi Mahi Uddin.
Mahammad, Maulvi Nasar.
Maity, Babu Mahendra Nath.
Mitra, Babu Jogendra Nath.
Moreno, Dr. H. W. B.
Mukerjea, Babu Taraknath.
Nandy, Maharaj Kumar Sris Chandra.

Hasher, Babu Hem Chandra.
Hoogi, Babu Manmohan.
Pakrasee, Maulvi Md. Abdul Jubbar.
Quader, Maulvi Abdul.
Raikat, Mr. Prasanna Deb.
Ray, Babu Akhaiah Chandra.
Ray, Babu Surendra Nath.
Roy, Babu Manmatha Nath.
Roy, Babu Satcouripati.
Roy, Dr. Bidhan Chandra.
Roy, Mr. S. N.
Ray, Mr. Kiran Sankar.
Roy Choudhuri, Rai Bahadur Satyendra Nath.
Sarkar, Babu Hemanta Kumar.
Sarker, Babu Nalinranjan.
Szamai, Mr. S. M.
Sen Gupta, Mr. J. M.
Suhrawardy, Dr. A.
Tarafdar, Maulvi Rajib Uddin.
Yasin, Maulvi Muhammad.

NOES.

Abbott, Mr. E. G.
Addams-Williams, Mr. C.
Addy, Babu Amulya Dhone.
Ahsanullah, Moliah.
Ali, Maulvi Sayyed Sultan.
Band, Mr. R. N.
Best, the Hon'ble S. J.
Birley, Mr. L.
Browne, Mr. P. M.
Chartres, Mr. C. E.
Chaudhuri, Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Cohen, Mr. D. J.
Corcoran, Mr. P. J.
Daud, Mr. M.
De, Mr. K. C.
Dey, Mr. G. G.
Donald, the Hon'ble Mr. J.
Dutt, Mr. G. S.
Eddis, Mr. S. E. G.
Forrester, Mr. J. Campbell.
Ghuznavi, Hadji Mr. A. K. Abu Ahmed Khan.
Goode, Mr. S. W.
Guha, Mr. P. N.
Haq, Khan Bahadur Kazi Zahirul.
Heard, Major-General Richard.
Hopkyns, Mr. W. S.
Hossain, Khan Bahadur Maulvi Musharrut.
Huq, Maulvi Ehramul.
James, Mr. F. E.
Jennaway, Mr. J. H.
Lal Mahammed, Haji.
Liddell, Mr. H. C.
Lindsay, Mr. J. H.
Masih, Mr. Syed M.
Mukerji, Mr. S. C.
Oaten, Mr. E. F.
Parrett, Mr. P.
Rahim, the Hon'ble Sir Abd-ur-.
Rahman, Mr. A. F.
Ray, the Hon'ble Maharaja Sahadur Kshaunish Chandra.
Ray Chaudhuri, Mr. K. C.
Ray Chaudhuri, Raja Manmatha Nath.
Roy, Mr. S. N.
Ray, Raja Manilall Singh.
Salam, Khan Bahadur Maulvi Abdus.
Smith, Mr. J. F.
Stephenson, the Hon'ble Sir Hugh.
Travers, Mr. W. L.
Villiers, Mr. E.
Woodhead, Mr. J. A.

The Ayes being 58 and the Noes 50 the motion was carried.

Adjournment.

The Council was then adjourned till 3 P.M., on Wednesday, the 9th December, 1925, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Wednesday, the 9th December, 1925, at 3 P.M.

Present:

The Hon'ble the President (Kumar SHIB SHEKHARESWAR RAY) in the Chair, the four Hon'ble Members of the Executive Council, and 123 nominated and elected members.

Starred Questions

(to which oral answers were given).

Calcutta Rent Act.

***LXIV. Babu SATYA KISHORE BANERJEE:** (*a*) Is the Hon'ble Member in charge of the Department of Local Self-Government aware that the Calcutta Rent Act was passed as a temporary measure?

(*b*) Are the Government considering the desirability of taking steps to repeal this temporary legislation?

(*c*) If not, what are the reasons therefor?

MEMBER in charge of DEPARTMENT of LOCAL SELF-GOVERNMENT (the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur of Nadia: (*a*) Yes.

(*b*) No.

(*c*) The Act will automatically expire in March, 1927, and Government do not consider it necessary to curtail its duration.

Officer in charge, Seamen's Recruitment Bureau, Calcutta.

***LXV. Mr. M. DAUD:** (*a*) Will the Hon'ble Member in charge of the Marine Department be pleased to state what steps have been taken to enforce the recommendations of the Seamen's Recruitment Committee?

(*b*) Is it a fact that the present officer, for his appointment as Officer in charge, Seamen's Recruitment Bureau, besides being Shipping Master, is getting much higher pay than was formerly paid to the Shipping Master?

(*c*) Will the Hon'ble Member be pleased to state what progress he has made in the work of organizing the Bureau?

(*d*) Will the Hon'ble Member be pleased to state whether he is preparing the general and particular Line Registers of Seamen in accordance with paragraph 6 of the Seamen's Recruitment Committee's recommendations?

(*e*) If the answer to (*d*) is in the negative, will the Hon'ble Member be pleased to state the reasons of delay in the matter?

(*f*) Is the Hon'ble Member aware that the Indian Seamen's Union objected to the appointment of the present officer, on the ground of his want of experience in the matter of seamen's recruitment on the lines recommended by the Genoa International Labour Conference of 1920?

(*g*) Is the Hon'ble Member aware that the Indian Seamen's Union recommended another gentleman who had experience of seamen's recruitment on the lines recommended by the Genoa Conference, for the post of the Officer in charge, Seamen's Recruitment Bureau, Calcutta?

(*h*) If the answer to (*g*) is in the affirmative, will the Hon'ble Member be pleased to state the reason for which the said gentleman was not appointed?

MEMBER in charge of MARINE DEPARTMENT (the Hon'ble Mr. J. Donald): (*a*) The Shipping Master appointed in December 1924 was asked to acquaint himself with the system of recruitment and employment of Indian seamen in Calcutta and to work out a scheme of recruitment, having regard to the recommendations of the Seamen's Recruitment Committee. He has submitted his proposals.

(*b*) The present incumbent is the first whole-time Shipping Master appointed in Calcutta.

(*c*) The member is referred to the answer to (*a*) above.

(*d*) No, pending the decision of Government on his recommendations.

(*e*) The matter is still under the consideration of Government.

(*f*) No.

(*g*) Yes.

(*h*) The member is referred to the answer given to clause (*c*) of starred question No. XII of the 18th February, 1925.

Mr. M. DAUD: Will the Hon'ble Member be pleased to state when the officer in charge will be in a position to let us know the facts and figures regarding the system of recruitment and employment of Indian seamen? I want to know the time he will take.

The Hon'ble Mr. J. Donald: I would draw the member's attention to the concluding sentence in my reply: "He has submitted his proposals."

Recruitment of seamen by shipping brokers.

*LXVI. **Mr. M. DAUD:** (*a*) Is the Hon'ble Member in charge of the Marine Department aware that the Indian Seamen's Union has repeatedly requested the Government to expedite the matter of organizing the Seamen's Recruitment Bureau and to enforce the recommendations of the Seamen's Recruitment Committee by abolishing the system of recruitment of seamen by shipping brokers?

(*b*) If the answer to (*a*) is in the affirmative, will the Government be pleased to state what action has been taken by the Government to expedite the same?

(*c*) Will the Hon'ble Member be pleased to state what part the shipping brokers are at present playing in the matter of seamen's recruitment after the appointment of Captain H. F. Darvell as Officer in charge of the Bureau?

(*d*) Will the Hon'ble Member be pleased to state whether any representation has been received from the Indian Seamen's Union to do away with the shipping brokers from the Shipping Office, Calcutta?

(*e*) If so, what action have the Government taken or are proposing to take in the matter?

(*f*) Will the Hon'ble Member be pleased to state for what further length of time the shipping brokers will be allowed to supply seamen, having regard to the appointment of the Bureau Officer?

The Hon'ble Mr. J. DONALD: (*a*) Yes.

(*b*) The member is referred to the answer given to another question put by him at this meeting.

(*c*) Their functions are the same as hitherto.

(*d*) Yes.

(*e*) The member is referred to the answer given to another question put by him at this meeting.

(*f*) Government are unable to make any statement on the point.

Indians in the higher services of Calcutta Port Trust.

*LXVII. **Babu BORODA PROSAD DEY:** (*a*) Will the Hon'ble Member in charge of the Marine Department be pleased to state what schemes have been prepared, and what action has been taken, in order to increase the number of Indians in the higher grades of services in the Calcutta Port Trust, in pursuance of the recommendations of the Council of State on the motion of the Hon'ble Mr. Sethna in January, 1922?

(*b*) Will the Hon'ble Member be pleased to lay on the table a statement showing the number of Indians, Europeans and Anglo-Indians working at present in each department of the Calcutta Port Trust drawing a salary of—

(*i*) Rs. 2,001 and upwards;

(*ii*) Rs. 1,501 to Rs. 2,000;

(*iii*) Rs. 1,001 to Rs. 1,500;

(*iv*) Rs. 501 to Rs. 1,000; and

(*v*) Rs. 300 to Rs. 500?

(*c*) Will the Hon'ble Member be pleased to state separately under each of the classes mentioned in (*b*) the number of Indians before and after the adoption of the Hon'ble Mr. Sethna's resolution mentioned in (*a*)?

The Hon'ble Mr. J. DONALD: (*a*) Since January, 1922, the Port Commissioners have prepared and brought into existence schemes for the entertainment and training of Indians as Engineers and Traffic Officers and have in addition promoted an Indian as Assistant Secretary.

(*b*) The figures are:—

(*i*) 9;

(*ii*) 9;

(*iii*) 60;

(*iv*) 129; and

(*v*) 148.

(*c*) The figures are:—

(*i*) Before January 1922, nil; after January 1922, nil.

(*ii*) Before January 1922, nil; after January 1922, nil.

(*iii*) Before January 1922, nil; after January 1922, nil.

(*iv*) Before January 1922, 3; after January 1922, 5.

(*v*) Before January 1922, 11; after January 1922, 33.

Babu BORODA PROSAD DEY: My question was to show the number of Indians, Europeans and Anglo-Indians. Nothing has been given in the reply.

Mr. PRESIDENT: Please put your supplementary question in the proper form.

Babu BORODA PROSAD DEY: Will the Government supply information as requested showing——

Mr. PRESIDENT: That is again more a request for action.

Babu BORODA PROSAD DEY: Will the Government supply the number of Indians, Europeans and Anglo-Indians——

Mr. PRESIDENT: That is again a request for action; I would request you to put your question into proper form first and then send notice.

Academical qualifications of Engineers under the Calcutta Port Trust.

***LXVIII. Babu BORODA PROSAD DEY:** Will the Hon'ble Member in charge of the Marine Department be pleased to lay on the table a statement showing the academical qualifications of all the Engineers at present in the service of the Port Commissioners, including the King George's Dock Construction Works?

The Hon'ble Mr. J. DONALD: A statement is laid on the table in respect of those Engineers with the appointment of whom Government is concerned, namely, those whose pay amounts to Rs. 1,000 or more.

Statement referred to in the reply to starred question No. LXVIII.

Mr. J. McGlashan, M. INST. C.E., Mr. J. R. Rowley, M. INST. C.E., Mr. W. C. Ash, B.SC., M. INST. C.E., A.M. INST. M.E., Mr. J. W. Shaw, B.A. B.E., M. INST. C.E., Mr. G. E. Bennett, M.SC., A.M. INST. C.E., Mr. A. M. Ward, A.M. INST. C.E., A.M. INST. M.E., Mr. W. T. Wheeler, B.SC., Mr. M. H. King, B.SC., A.M. INST. C.E., Mr. J. D. Pearson, B.A., B.E., M. INST. C.E., M.I.E. (India), Mr. N. R. Stratford, Mr. J. Laird, A.M. INST. C.E., Mr. N. Smith, A.M. INST. C.E., Mr. R. F. Meff, A.M. INST. C.E., Mr. A. W. B. Pallister, A.M. INST. C.E., A.C.G.I., D.I.C., Mr. A. Webster, A.M. INST. C.E., Mr. W. Fitz Henry, A.M. INST. C.E., Mr. F. Hodgkins, I.S.E. (Imperial Service), Mr. R. Kirkby, A.M. I. MECH. E., Mr. L. Desbruslais, A.M.I.E.E., A.M.I.E.E. (India), Mr. N. MacLeod, M. INST. M.E., Mr. A. Carnall, M. INST. M.E., Mr. A. O. Day, A.M. INST. M.E., Mr. J. J. Andrews, 1st Class B.O.T.

Retrenchment in the services under the Calcutta Port Trust.

***LXIX. Babu BORODA PROSAD DEY:** (*a*) Will the Hon'ble Member in charge of the Marine Department be pleased to state whether there has been any retrenchment in the services under the Commissioners for the Port of Calcutta?

(*b*) If so, how many officials with high salaries and how many of the clerical staff, peons and other menials have been affected?

(*c*) How many of the officers and clerks affected by retrenchment are—

(*i*) European; and

(*ii*) Indian?

(*d*) Is it a fact that there have been cases of increment in the midst of retrenchment?

(*e*) If so, in what cases and why was increment allowed?

The Hon'ble Mr. J. DONALD: (*a*) Yes.

(*b*) Assistant Harbour Masters, 4; Assistant Engineers, 2; Personal Assistants, 2; clerical staff, 83; outdoor staff, 4; peons, 30; other menials, 215.

(*c*) Europeans, 5; Anglo-Indians, 3; Indians, 83.

(*d*) There have been two cases of increased emoluments since the retrenchment was undertaken.

(*e*) An officer on the establishment in India was given a personal allowance on special and personal grounds. The pay of the Commissioners' London Agent was increased, partly on general grounds and partly in consideration of special work connected with the King George's Dock.

Expenditure on, and income from, quarters constructed for high officials of Calcutta Port Trust at Portland Park.

***LXX. Babu BORODA PROSAD DEY:** Will the Hon'ble Member in charge of the Marine Department be pleased to state—

(*i*) what expenditure has been incurred by the Calcutta Port Commissioners in constructing quarters for high officials at Portland Park;

(*ii*) what interest is annually paid for the money expended; and

(*iii*) what rents are recovered from the occupiers of these quarters?

The Hon'ble Mr. J. DONALD: (*i*) Rs. 14,67,144.

(*ii*) Rs. 85,928.

(*iii*) Rs. 51,516 approximately per annum.

Babu BORODA PROSAD DEY: How do the Port Commissioners propose to meet the deficit between the interest and the income?

The Hon'ble Mr. J. DONALD: The member might ascertain that by referring to the Port Trust.

Extra copyists in the Calcutta Registration Office.

*LXXI. **Dr. BIDHAN CHANDRA ROY:** (*a*) Has the attention of the Hon'ble Member in charge of the Department of Education been drawn to a memorial addressed to the Secretary to the Government of Bengal, Education Department, Registration Branch, by the extra copyists attached to the office of the District Registrar of Assurances, Calcutta, stating—

(*i*) that the pay of Rs. 30 which they get is too small for bare living in Calcutta;

(*ii*) that they get no kind of leave on account of illness, although they perform the same work as the permanent copying staff; and

(*iii*) that their earnings compare unfavourably even with those of the extra copyists in the mufassal, who are paid according to outturn of work?

(*b*) Are the Government considering the desirability of taking steps to give them adequate relief by—

(*i*) increasing the rate of their pay; and

(*ii*) allowing sick leave in case of illness?

MEMBER in charge of DEPARTMENT of EDUCATION (the Hon'ble Sir Abd-ur-Rahim): (*a*) (*i*), (*ii*) and (*iii*) Yes.

(*b*) (*i*) A proposal to put the extra copyists in the Calcutta Registration Office on a piece-rate and to fix the rate at Re. 1-4 per 3,000 words is now being considered by Government.

(*b*) (*ii*) This does not arise.

Petitions addressed to Mr. Gladding by détenus.

*LXXII. **Mr. KIRAN SANKAR ROY:** Will the Hon'ble Member in charge of the Political Department be pleased to state—

(*i*) how many petitions were addressed to Mr. Gladding from the political détenus of Midnapore and Alipore Jails only for the last 3 months;

(*ii*) how many of them have been replied to; and

(*iii*) how many of them have been intercepted by the Inspector-General of Prisons, Bengal?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Sir Hugh S[illegible]): (*i*), (*ii*) and (*iii*) The number of petitions submitted to Government is considerable; an answer is always sent, unless the petition is frivolous or worded in improper language.

Mr. KIRAN SANKAR ROY: What is the answer to clause (*iii*) of my question? No answer has been given to it.

The Hon'ble Sir HUGH STEPHENSON: No petitions are intercepted by the Inspector-General of Prisons, except on the last ground.

Mr. PRESIDENT: I think the answer is not quite relevant and I would advise the Government Members to see that answers are always relevant. The question is "how many of them have been intercepted by the Inspector-General of Prisons, Bengal," and the reply ought to have been either so many or none, or that Government is not prepared to give any answer.

Maulvi MD. NURUL HUQ CHAUDHURI: Will the Hon'ble Member be pleased to state what was there in the petitions that were submitted by the detenus?

Mr. PRESIDENT: That does not arise out of this question.

Mr. KIRAN SANKAR ROY: Will the Hon'ble Member be pleased to state whether there was any allegation of ill-treatment in those petitions?

The Hon'ble Sir HUGH STEPHENSON: I want fresh notice of this.

Mr. S. N. HALDAR: May I ask the Hon'ble Member to state how many of these petitions were intercepted?

Mr. PRESIDENT: Order, order! I have already drawn the attention of the Hon'ble Member to that.

Mr. KIRAN SANKAR ROY: Will the Hon'ble Member be pleased to state whether there was any allegation of illness in those petitions?

The Hon'ble Sir HUGH STEPHENSON: I am not quite sure; probably there was.

Mr. KIRAN SANKAR ROY: Will the Hon'ble Member be pleased to state whether in those petitions there was any request for medical treatment?

Mr. PRESIDENT: I am afraid these supplementary questions do not properly arise out of the main question, and I cannot allow them further.

Jail allowances and rewards to Compounders.

***LXXIII. Babu SUDARSAN CHAKRAVORTY:** (*a*) Will the Hon'ble Member in charge of the Department of Revenue (Jails) be pleased to state whether it is a fact that the jail allowance of the Sub-Assistant Surgeon was raised in 1922 from Rs. 15 to Rs. 50, but the compounders' jail allowance of Rs. 5 has not been raised?

(*b*) Is it a fact that the Sub-Assistant Surgeon gets a lump sum as reward for low mortality in jails, but that no such reward is given to the compounders?

(*c*) Is it a fact that no reward is given to the compounders for low mortality in jails?

(*d*) Are the Government considering the desirability of increasing the jail allowances and of paying jail rewards to the compounders in the near future?

MEMBER in charge of DEPARTMENT of REVENUE [JAILS] (the Hon'ble Sir Hugh Stephenson): (*a*) The Sub-Assistant Surgeon's allowance was raised in 1922 from Rs. 15 to rates varying from Rs. 25 to Rs. 50. The compounders' allowance, which was fixed in 1915, was not raised in 1922, but their pay, which was Rs. 15 rising to Rs. 20, in 1916, was raised in 1919 and again last year. It is now Rs. 30 to Rs. 40.

(*b*) and (*c*) Rewards for specially good work during the year are given to Sub-Assistant Surgeons, but not to compounders.

(*d*) No.

Touring by Mr. J. C. French, Collector of Bankura.

***LXXIV. Babu UMES CHANDRA CHATTERJEE:** (*a*) Will the Hon'ble Member in charge of the Department of Revenue be pleased to state how many days in each month were spent in touring by Mr. J. C. French, Collector of Bankura, since his appointment at Bankura?

(*b*) Will the Hon'ble Member be pleased to state the nature of work done by the said Collector of Bankura when he was on tour?

(*c*) Will the Hon'ble Member be pleased to state the amount of travelling allowance drawn by the said Collector of Bankura in each month since his appointment at Bankura?

MEMBER in charge of DEPARTMENT of REVENUE [FORESTS] (the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur of Nadia): (*a*) and (*c*) A statement showing the number of days spent on tour and the travelling allowance drawn by the Collector of Bankura is laid on the table.

(*b*) Besides the usual inspections of local offices and institutions, the Collector made tours in connection with schemes of irrigation and irrigation societies, and accompanied the Conservator of Forests on an extensive tour of the jungly area made by the latter at the request of Government. Some months ago, the Commissioner drew the attention of the Collector to the apparent excess in touring, and the subject is now under the consideration of Government.

Statement referred to in the reply to clauses (a) and (c) of starred question No. LXXIV.

MONTH, NUMBER OF DAYS SPENT ON TOUR AND TRAVELLING ALLOWANCE DRAWN.

September, 1924—3; Rs. 167-2; October, 1924—9; Rs. 135; November, 1924—27; Rs. 252-1; December, 1924—9; Rs. 121-4; January, 1925—24; Rs. 339-12; February, 1925—24; Rs. 231-4; March, 1925—26; Rs. 271-4; April, 1925—21; Rs. 247; May, 1925—10; Rs. 106-4; June, 1925—nil; nil; July, 1925—1; August, 1925—7; Rs. 62 for both months; September, 1925—Nil; nil.

Correspondence between an ex-Chairman of Vishnupur Municipality and Divisional Commissioner.

***LXXV. Babu UMES CHANDRA CHATTERJEE:** Will the Hon'ble Member in charge of the Department of Local Self-Government be pleased to state whether he is prepared to lay on the table the correspondence that passed between Babu Bholanath Bhattacharjee and Mr. Cook, the Commissioner of the Burdwan Division, on the subject of the former's resignation of the office of Chairman of the Vishnupur Municipality in the district of Bankura?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: It is not usual to publish such correspondence and Government see no reason for departing from the rule in this case.

Level-crossings on Dobson and Grand Trunk Roads, Howrah.

***LXXVI. Babu KHAGENDRA NATH GANGULY:** (*a*) Is the Hon'ble Member in charge of the Department of Public Works (Railways) aware of the inconvenience caused to all sorts of vehicular and

foot traffic on the Dobson and Grand Trunk Roads in Howrah by the frequent closing by the Railway authorities of the gates on the lines popularly called the Punjab lines?

(*b*) Is the Hon'ble Member aware that these gates are sometimes kept closed for periods varying from 15 to 20 minutes at a stretch?

(*c*) Is the Hon'ble Member aware that during those periods the goods trains are kept shunting on the railway lines?

(*d*) Are the Government considering the desirability of moving the Railway authorities to take the necessary steps to minimize this grievance of a large section of the people of Howrah?

(*e*) Are the Government considering the desirability of suggesting to the Railway authorities that steps be taken to construct bridges over these places?

MEMBER in charge of DEPARTMENT of PUBLIC WORKS [RAILWAYS] (the Hon'ble Mr. J. Donald): (*a*) All Railway level-crossings cause a certain amount of inconvenience.

(*b*) No.

(*c*) Trains occupy for certain very short periods of the day tracks astride the roads in question at these level-crossings.

(*d*) The Railway Administration has always had in view the minimizing as far as possible of inconvenience to road traffic at these level-crossings.

(*e*) No.

Pay of Veterinary Assistants and Inspectors.

***LXXVII. Babu TARAKNATH MUKERJEA:** Will the Hon'ble Member in charge of the Department of Agriculture and Industries be pleased to state—

(*i*) the total number of Veterinary Assistants and Inspectors in Bengal;

(*ii*) the present scale of pay of each class of officers;

(*iii*) when the scale of their pay was last revised; and

(*iv*) whether any revision of their present scales of pay is under the consideration of Government?

MEMBER in charge of DEPARTMENT of AGRICULTURE and INDUSTRIES (the Hon'ble Sir Hugh Stephenson): (*i*) The total number of Veterinary Assistant Surgeons and Inspectors in Bengal is at present 117 and 21, respectively.

(*ii*) The present scale of pay of each class of officers is:—

Inspectors, Rs. 100—5—175 per mensem.

Veterinary Assistant Surgeons, Rs. 50—10/5—100 per mensem.

(*iii*) The scale of pay of Inspectors was last revised in 1915 and that of Veterinary Assistant Surgeons in 1919.

(*iv*) As regards the revision of the pay of Inspectors, the member is referred to the answer to part (*g*) of unstarred question No. 43, given at the meeting of the Council held on the 13th August, 1925.

The question of the revision of the pay of Veterinary Assistant Surgeons is at present under consideration.

Health of certain détenus.

*LXXVIII. **Babu NALINIRANJAN SARKER:** Will the Hon'ble Member in charge of the Political Department be pleased to lay on the table a statement showing the present state of the health of the following détenus, *viz.*:—

(1) Srijut Satish Chandra Chakravarti;

(2) Srijut Jiban Lal Chatarji;

(3) Srijut Sureadra Mohan Ghosh;

(4) Srijut Subhas Chandra Bose;

(5) Srijut Purna Chandra Das;

(6) Srijut Jyotis Chandra Ghose; and

(7) Srijut Naresh Chandra Chaudhuri

detailing therein—

(*i*) the illness, if any, which all or any of them have been suffering;

(*ii*) the mode of treatment resorted to in each case;

(*iii*) their present condition of health; and

(*iv*) the loss of weight suffered by any of them?

The Hon'ble Sir HUGH STEPHENSON: A statement is laid on the table.

Statement referred to in the reply to starred question No. LXXVIII.

Name.—Naresh Chandra Dutta Chaudhuri.

Recent illness, if any.—Appendicitis.

Mode of treatment.—Operation.

Present health according to last report received.—Satisfactory.

Weight in lbs. according to last report received. 117 lb.

foot traffic on the Dobson and Grand Trunk Roads in Howrah by the frequent closing by the Railway authorities of the gates on the lines popularly called the Punjab lines?

(*b*) Is the Hon'ble Member aware that these gates are sometimes kept closed for periods varying from 15 to 20 minutes at a stretch?

(*c*) Is the Hon'ble Member aware that during those periods the goods trains are kept shunting on the railway lines?

(*d*) Are the Government considering the desirability of moving the Railway authorities to take the necessary steps to minimize this grievance of a large section of the people of Howrah?

(*e*) Are the Government considering the desirability of suggesting to the Railway authorities that steps be taken to construct bridges over these places?

MEMBER in charge of DEPARTMENT of PUBLIC WORKS [RAILWAYS] (the Hon'ble Mr. J. Donald): (*a*) All Railway level-crossings cause a certain amount of inconvenience.

(*b*) No.

(*c*) Trains occupy for certain very short periods of the day tracks astride the roads in question at these level-crossings.

(*d*) The Railway Administration has always had in view the minimizing as far as possible of inconvenience to road traffic at these level-crossings.

(*e*) No.

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***LXXVII. Babu TARAKNATH MUKERJEA:** Will the Hon'ble Member in charge of the Department of Agriculture and Industries be pleased to state—

(*i*) the total number of Veterinary Assistants and Inspectors in Bengal;

(*ii*) the present scale of pay of each class of officers;

(*iii*) when the scale of their pay was last revised; and

(*iv*) whether any revision of their present scales of pay is under the consideration of Government?

MEMBER in charge of DEPARTMENT of AGRICULTURE and INDUSTRIES (the Hon'ble Sir Hugh Stephenson): (*i*) The total number of Veterinary Assistant Surgeons and Inspectors in Bengal is at present 117 and 21, respectively.

(*ii*) The present scale of pay of each class of officers is:—

Inspectors, Rs. 100—5—175 per mensem.

Veterinary Assistant Surgeons, Rs. 50—10/5—100 per mensem.

(*iii*) The scale of pay of Inspectors was last revised in 1915 and that of Veterinary Assistant Surgeons in 1919.

(*iv*) As regards the revision of the pay of Inspectors, the member is referred to the answer to part (*g*) of unstarred question No. 43, given at the meeting of the Council held on the 13th August, 1925.

The question of the revision of the pay of Veterinary Assistant Surgeons is at present under consideration.

Health of certain détenus.

***LXXVIII. Babu NALINIRANJAN SARKER:** Will the Hon'ble Member in charge of the Political Department be pleased to lay on the table a statement showing the present state of the health of the following détenus, *viz.* :—

(1) Srijut Satish Chandra Chakravarti;

(2) Srijut Jiban Lal Chatarji;

(3) Srijut Sureadra Mohan Ghosh;

(4) Srijut Subhas Chandra Bose;

(5) Srijut Purna Chandra Das;

(6) Srijut Jyotis Chandra Ghose; and

(7) Srijut Naresh Chandra Chaudhuri

detailing therein—

(*i*) the illness, if any, which all or any of them have been suffering;

(*ii*) the mode of treatment resorted to in each case;

(*iii*) their present condition of health; and

(*iv*) the loss of weight suffered by any of them?

The Hon'ble Sir HUGH STEPHENSON: A statement is laid on the table.

Statement referred to in the reply to starred question No. LXXVIII.

Name.—Naresh Chandra Dutta Chaudhuri.

Recent illness, if any.—Appendicitis.

Mode of treatment.—Operation.

Present health according to last report received.—Satisfactory.

Weight in lbs. according to last report received.—117 lbs.

Name.—Jyotish Chandra Ghosh.

Recent illness, if any.—Mental depression.

Mode of treatment.—Removal at his own request to a different place of detention.

Present health according to last report received.—Improved.

Weight in lbs. according to last report received.—184 lbs.

Name.—Surendra Mohan Ghosh.

Recent illness, if any.—None.

Present health according to last report received.—Satisfactory.

Weight in lbs. according to last report received.—102 lbs.

Name.—Jiban Lal Chatarji

Recent illness, if any.—None.

Present health according to last report received.—Satisfactory.

Weight in lbs. according to last report received.—107 lbs.

Name.—Satish Chandra Chakrabartti.

Recent illness, if any.—None.

Present health according to last report received.—Satisfactory.

Weight in lbs. according to last report received.—120 lbs.

Name.—Subash Chandra Basu.

Recent illness, if any.—See reply to Council question No. 21.

Present health according to last report received.—Satisfactory.

Weight in lbs. according to last report received.—161 lbs.

Name.—Purna Chandra Das.

Recent illness, if any.—See reply to Council question No. 85.

Present health according to last report received.—Satisfactory.

Weight in lbs. according to last report received.—113 lbs.

Babu NALINIRANJAN SARKER: As to Purna Chandra Das, was it due to his illness that he was suddenly transferred to Trichinopoly?

Mr. PRESIDENT: That does not arise out of this question.

Mr. S. N. HALDAR: Regarding Naresh Chandra Dutta Chaudhuri, I want to know when it was discovered that he was suffering from appendicitis and also whether an operation has been performed; if so by whom and where?

Mr. PRESIDENT: These questions do not arise out of the main question.

Mr S. N. HALDAR: The answer is given "appendicitis." Might I not know when it was discovered?

Mr. PRESIDENT: Please look at the main question, and then say if in connection with that question, this particular question ought to arise or not. How do you expect the Hon'ble Member to reply off-hand? If you want to know how and when the disease was discovered, they ought to have been put as separate questions.

Mr. S. N. HALDAR: May I draw your attention to the answer. Am I not justified in asking whether an operation has been performed or not, and if so, by whom?

Mr. PRESIDENT: I do not think so. Order, order! Next question.

Unstarred Questions

(answers to which were laid on the table).

Officers in charge of Garden Reach and Entally thanas.

58. Maulvi NAJMUDDIN AHMED: (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state whether it is a fact that there is no sanction of an Inspector in the Garden Reach thana and that an Inspector is doing the work of a Sub-Inspector there?

(*b*) Is it a fact that an Inspector has been working as the Officer in charge of the Entally thana?

(*c*) Is it a fact that there is no sanction of an Inspector for the Entally thana and that an Inspector is doing the work of a Sub-Inspector there?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Sir Hugh Stephenson): (*a*) There is a fixed number of Inspectors sanctioned in Calcutta. These sanctioned officers are assigned to certain posts, but are actually employed in posts which are for the time being considered most important. The Garden Reach thana is not one of the posts to which an Inspector is assigned.

(*b*) and (*c*) Yes.

Number of Muhammadans in the Registration Offices of Howrah.

59. Maulvi ZANNOOR AHMED: Will the Hon'ble Member in charge of the Department of Education (Registration) be pleased to lay on the table a statement showing:—

(*i*) the number of clerks in the registration offices of the district of Howrah;

(*ii*) how many of them are Muhammadans;

(*iii*) the number of appointments made in those offices during the last three years; and

(*iv*) how many of them have been given to the Muhammadans?

The Hon'ble Sir ABD-UR-RAHIM: (*i*) There are 27 assistants (10 clerks and 17 muharrirs) in the Howrah district.

(*ii*) Of the ten clerks none is Muhammadan; of the 17 muharrirs only two are Muhammadans.

(*iii*) Only three appointments were made in the registration offices of that district during the last three years.

(*iv*) Of those appointments two were filled up by Hindu surplus officers and only one appointment was filled up by a Muhammadan.

Alleged enjoyment of privileges reserved for depressed classes by other communities.

60. Babu CHARU CHANDRA DAS: (*a*) Is the Hon'ble Member in charge of the Department of Education aware that some members of certain communities, who do not admit that they belong to the depressed classes, are enjoying the benefits of the special educational grants and other concessions regarding public services made by the Government for the depressed class?

(*b*) What steps are the Government taking in this matter?

The Hon'ble Sir ABD-UR-RAHIM: (*a*) and (*b*) Government have no information, but the Director of Public Instruction will be glad to investigate any case which may be brought to his notice.

Government subsidised hostels for depressed class students.

61. Babu CHARU CHANDRA DAS: (*a*) Will the Hon'ble Member in charge of the Department of Education be pleased to state whether it is a fact that in the boarding-house for depressed class students in Calcutta subsidized by the Government no student other than those of the Namasudra class is admitted?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state whether that boarding-house is meant exclusively for the Namasudra class?

(*c*) If so, what steps are the Government taking to make necessary boarding arrangements for other sections of the depressed classes?

The Hon'ble Sir ABD-UR-RAHIM: (*a*) and (*b*) There are two hostels, subsidized by Government, for the students of the depressed classes under the Calcutta University—one for the Namasudras and the other for the Jugis.

(*c*) Government propose to make an inquiry of the University as to whether the two existing hostels could not be thrown open to the students of other sections of depressed classes.

Platform, waiting-room and lavatory arrangements at Salar on the East Indian Railway.

62. Maulvi ABDUL GAFUR: (*a*) Is the Hon'ble Member in charge of the Department of Public Works aware that there is no platform at the Salar station on the Bandel-Barharwa line of the East Indian Railway?

(*b*) Is it a fact that inconvenience is caused thereby to the sick, to females, specially Muhammadan *pardanashin* ladies, and to children in ascending and descending from the train?

(*c*) Is the Hon'ble Member aware that there is no waiting-room at the Salar station for female passengers?

(*d*) Is the Hon'ble Member aware that they have to remain exposed to the inclemency of the weather during the rains and the winter season?

(*e*) Is it also a fact that there is no lavatory arrangement at the said station, either for males or females?

(*f*) Are the Government considering the desirability of drawing the attention of the Railway authorities to these matters?

The Hon'ble Mr. J. DONALD: (*a*) to (*f*) These are matters for the discussion of which Railway Advisory Committees were formed, and the member is advised to approach the Advisory Committee of the East Indian Railway.

Howrah-Vishnupur projected Railway.

63. Babu KHAGENDRA NATH GANGULY: (*a*) Will the Hon'ble Member in charge of the Department of Public Works be pleased to state whether he is aware of a scheme by the Bengal-Nagpur Railway Company to start a new line with the nomenclature "Howrah-Vishnupur Railway" from Santragachi to Vishnupur *viâ* Arambagh?

(*b*) If so, at what stage is the scheme pending?

The Hon'ble Mr. J. DONALD: (*a*) Yes.

(*b*) The Railway Board have decided to defer further consideration of the project for a few years.

Nominated Muhammadan members on the Pabna District Board and Rajshahi Municipality.

64. Haji LAL MAHAMMED: (*a*) Is the Hon'ble Member in charge of the Department of Local Self-Government aware that from the lists of nominated members of the District Board of Pabna and the municipality of Rajshahi it can be seen that only one Muhammadan has been nominated to each of these local bodies?

(*b*) What is the principle of nomination?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: (*a*) The answer is in the affirmative so far as the municipality of Rajshahi is concerned.

Of the 24 members of the Pabna District Board 9 were elected by the Serajganj Local Board, 7 were appointed by the Divisional Commissioner under section 10 of the Local Self-Government Act, the Pabna Sadar Local Board having failed to elect its representatives, and the rest were appointed under section 7. It appears from the list of members published by the Commissioner, that of the 15 appointed members 4 are Muhammadans, excluding the District Inspector of Schools, who has been appointed *ex-officio*.

(*b*) The principles that are followed in making these appointments are stated in Government circular No. 2 T.—M., dated the 2nd August, 1912, a copy of which was laid on the table in reply to a question asked by Maulvi Abul Kasem at the meeting of the Legislative Council held on the 7th August, 1916.

Pratapkhali Drainage Khal.

65. Babu MAHENDRA NATH MAITY: (*a*) Is the Hon'ble Member in charge of the Department of Irrigation aware that the Pratapkhali khal in pargana Mahisadal, subdivision Tamluk, district Midnapore, which falls into the river Rupnarayan, has been converted by sluices at its mouth at Naranpore into and declared a drainage khal for discharging surplus water of the neighbouring villages?

(*b*) Is the Hon'ble Member aware that the people of the neighbourhood used to take tide water from the Rupnarayan by this khal in seasons of scarcity of rain water for the purpose of irrigating their paddy lands?

(*c*) Is the Hon'ble Member aware that the people of the neighbouring villages are not allowed to take water from the Rupnarayan even when there is an apprehension of drought?

(*d*) Has the Hon'ble Member considered the fact that the entire crops of the area, covering many square miles, might be totally destroyed for want of drainage?

(*e*) Will the Hon'ble Member be pleased to state whether the Government are considering the desirability of—

(*i*) inquiring into the matter;

(*ii*) of taking steps to remedy the grievance of the people, so that they may take water from the Rupnarayan, when necessary, under proper supervision of the Government?

MEMBER in charge of DEPARTMENT of IRRIGATION (the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur of Nadia): (*a*) Yes.

(*b*) Yes, some years ago.

(*c*) and (*d*) Yes.

(*e*) (*i*) The facts of the case are known to Government.

(*ii*) If the sluice is used for irrigation, the khal will be silted up, as proved by an experiment made some years ago; the remedy is to supply another sluice for irrigation.

Chandna River in Faridpur.

66. Mr. SYED M. MASIH: (*a*) Will the Hon'ble Member in charge of the Department of Irrigation be pleased to state whether any scheme was ever prepared and survey made of the river Chandna, in the Goalundo subdivision of the Faridpur district, for dredging it at different points, particularly at its junction with the river Padma?

Howrah-Vishnupur projected Railway.

63. Babu KHAGENDRA NATH GANGULY: (*a*) Will the Hon'ble Member in charge of the Department of Public Works be pleased to state whether he is aware of a scheme by the Bengal-Nagpur Railway Company to start a new line with the nomenclature "Howrah-Vishnupur Railway" from Santragachi to Vishnupur *viâ* Arambagh?

(*b*) If so, at what stage is the scheme pending?

The Hon'ble Mr. J. DONALD: (*a*) Yes.

(*b*) The Railway Board have decided to defer further consideration of the project for a few years.

Nominated Muhammadan members on the Pabna District Board and Rajshahi Municipality.

64. Haji LAL MAHAMMED: (*a*) Is the Hon'ble Member in charge of the Department of Local Self-Government aware that from the lists of nominated members of the District Board of Pabna and the municipality of Rajshahi it can be seen that only one Muhammadan has been nominated to each of these local bodies?

(*b*) What is the principle of nomination?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: (*a*) The answer is in the affirmative so far as the municipality of Rajshahi is concerned.

Of the 24 members of the Pabna District Board 9 were elected by the Serajganj Local Board, 7 were appointed by the Divisional Commissioner under section 10 of the Local Self-Government Act, the Pabna Sadar Local Board having failed to elect its representatives, and the rest were appointed under section 7. It appears from the list of members published by the Commissioner, that of the 15 appointed members 4 are Muhammadans, excluding the District Inspector of Schools, who has been appointed *ex-officio*.

(*b*) The principles that are followed in making these appointments are stated in Government circular No. 2 T.—M., dated the 2nd August, 1912, a copy of which was laid on the table in reply to a question asked by Maulvi Abul Kasem at the meeting of the Legislative Council held on the 7th August, 1916.

Pratapkhali Drainage Khal.

65. Babu MAHENDRA NATH MAITY: (*a*) Is the Hon'ble Member in charge of the Department of Irrigation aware that the Pratapkhali khal in pargana Mahisadal, subdivision Tamluk, district Midnapore, which falls into the river Rupnarayan, has been converted by sluices at its mouth at Naranpore into and declared a drainage khal for discharging surplus water of the neighbouring villages?

(*b*) Is the Hon'ble Member aware that the people of the neighbourhood used to take tide water from the Rupnarayan by this khal in seasons of scarcity of rain water for the purpose of irrigating their paddy lands?

(*c*) Is the Hon'ble Member aware that the people of the neighbouring villages are not allowed to take water from the Rupnarayan even when there is an apprehension of drought?

(*d*) Has the Hon'ble Member considered the fact that the entire crops of the area, covering many square miles, might be totally destroyed for want of drainage?

(*e*) Will the Hon'ble Member be pleased to state whether the Government are considering the desirability of—

(*i*) inquiring into the matter;

(*ii*) of taking steps to remedy the grievance of the people, so that they may take water from the Rupnarayan, when necessary, under proper supervision of the Government?

MEMBER in charge of DEPARTMENT of IRRIGATION (the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur of Nadia): (*a*) Yes.

(*b*) Yes, some years ago.

(*c*) and (*d*) Yes.

(*e*) (*i*) The facts of the case are known to Government.

(*ii*) If the sluice is used for irrigation, the khal will be silted up, as proved by an experiment made some years ago; the remedy is to supply another sluice for irrigation.

Chandna River in Faridpur.

66. Mr. SYED M. MASIH: (*a*) Will the Hon'ble Member in charge of the Department of Irrigation be pleased to state whether any scheme was ever prepared and survey made of the river Chandna, in the Goalundo subdivision of the Faridpur district, for dredging it at different points, particularly at its junction with the river Padma?

(*b*) If so, why was the project dropped?

(*c*) Is the Hon'ble Member aware that the river is gradually silting up?

(*d*) Is the Hon'ble Member aware that this river is the only source of water-supply and drainage for the inhabitants of the villages in its neighbourhood?

(*e*) Are the Government considering the desirability of reclaiming the river in the manner best suited for the purpose?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: (*a*) No scheme appears to have been prepared.

(*b*) Does not arise.

(*c*) The river appears to have deteriorated during the last century.

(*d*) Yes.

(*e*) No.

Change in the nomination of a Commissioner of the Champdani Municipality.

67. Mr. K. C. RAY CHAUDHURI: (*a*) Will the Hon'ble Member in charge of the Department of Local Self-Government be pleased to state whether it is a fact that one Maulvi Abdul Wahed was recommended for nomination as a Commissioner of the Champdani Municipality *vice* Mr. Lorrimer, resigned?

(*b*) Was any notification issued appointing him to the office?

(*c*) If so, what is the number and date of the notification?

(*d*) Was this notification sent to the Commissioner of the Division and to the Government press for publication?

(*e*) Why and how was the issue of this notification from the Commissioner's office to the Magistrate and the Chairman stopped?

(*f*) Why and how was the publication in the Gazette stopped?

(*g*) Is the Hon'ble Member aware that a mill sardar was appointed soon after and that Maulvi Abdul Wahed's nomination was cancelled?

(*h*) Was all this done with the knowledge and approval of the Hon'ble Member?

(*i*) Will the Hon'ble Member be pleased to lay on the table all papers in this connection?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: (*a*) Yes.

(*b*) and (*c*) There was a draft notification, No. 32M., dated the 5th January, 1925. It was not published in the Gazette.

(*d*) Yes. Before publication it was cancelled.

(*e*) As the notification was cancelled, its issue to the Magistrate and Chairman was stopped.

(*f*) The publication in the Gazette was stopped by the issue of an order. Government, on further consideration, considered it advisable to change the nomination they had proposed to make.

(*g*) and (*h*) Yes.

(*i*) The correspondence relating to nominations to local bodies is confidential and cannot be laid on the table.

Chairman, Champdani Municipality.

68. Mr. K. C. RAY CHAUDHURI: (*a*) Will the Hon'ble Member in charge of the Department of Local Self-Government be pleased to state on what ground the unanimous election of Babu Kumud Bandhab Mukherji in August last as Chairman of the Champdani Municipality was set aside by the Commissioner of the Burdwan Division?

(*b*) Will the Hon'ble Member be pleased to state on what grounds Mr. White, the present Chairman of the Champdani Municipality, now in Europe, and whose maximum leave of absence for three months has already expired, is still allowed to continue his Chairmanship?

(*c*) Is it a fact that Mr. Downie, the Acting Chairman of the aforesaid Municipality, convened a meeting on the 21st August, 1925, the last date of his term of office, to elect a new Chairman, fixing the 29th August, 1925, as the date?

(*d*) What was the result of this meeting?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: (*a*) The grounds are stated in the following order issued by the Commissioner of the Burdwan Division under section 63 of the Bengal Municipal Act:—

"Government were also advised by their law officer that the election of Babu K. B. Mukherji on the 29th August, 1925, as Chairman of the Champdani Municipality, was illegal. The office of Chairman did not become automatically vacant when Mr. White exceeded the period of his leave and the fact that Mr. White did not rejoin his post by the 22nd August did not justify the election of Babu K. B. Mukherji on the 29th August 1925."

(*b*) The Chairman of a municipality does not automatically vacate his his office by overstaying the three months' leave which is permissible under section 26B of the Bengal Municipal Act.

(*c*) Yes.

(*d*) The result is stated in the Commissioner's order referred to in the reply to (*a*) above.

Muhammadan Jailors.

69. Maulvi ZANNOOR AHMED: Will the Hon'ble Member in charge of the Department of Revenue (Jails) be pleased to state—

(*i*) the number of Jailors in Bengal; and

(*ii*) how many of them are Muhammadans?

The Hon'ble Sir HUGH STEPHENSON: (*i*) Twenty-six.

(*ii*) One.

Legal practitioners engaged on Government cases in Howrah.

70. Maulvi ZANNOOR AHMED: (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to lay on the table a statement showing for the last 3 years, the names of the pleaders other than the Government pleader and Public Prosecutors who have been engaged by the Government for conducting civil and criminal cases in the district of Howrah.

(*b*) Is it a fact that most of these cases were conducted by a particular pleader of the Bar?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Member be pleased to state the reason therefor?

(*d*) Will the Hon'ble Member be pleased to state the date of joining of that particular pleader at the Howrah Bar?

(*e*) Is it a fact that the Howrah Bar passed a resolution requesting the District Magistrate for introducing a panel system in the district as is prevalent in the district of the 24-Parganas?

(*f*) If the answer to (*e*) is in the affirmative, will the Hon'ble Member be pleased to state what action, if any, has been taken by the Government on that resolution?

(*g*) If no action has been taken on that resolution, will the Hon'ble Member be pleased to state the reasons therefor?

(*h*) Has the attention of the Hon'ble Member been drawn to the recommendation of the Retrenchment Committee regarding the conduct of undefended and small Sessions cases by the junior members of the Bar?

(*i*) If the answer to (*h*) is in the affirmative, will the Hon'ble Member be pleased to state what steps, if any, have been taken by Government on those recommendations?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir Abd-ur-Rahim): (*a*) The names of such legal practitioners who were engaged by Government during the period 1923 to 1925 are as follows:—

1923.—Mr. Sunanda Sen, counsel; Babus Probodh Gopal Mukharji, Ramani Mohan Mukharji, Tripura Ch. Roy, Girija Bhusan Mukharji, Bhupendra Nath Bose and Krishta Dhan Sinha.

1924.—Babus Probodh Gopal Mukharji, Bhupendra Nath Bose, Girija Bhusan Mukharji, Tripura Ch. Roy, Probhas Chandra Mullik and Krishta Dhan Sinha.

1925.—Babus Probodh Gopal Mukharji, Tripura Charan Roy and Probhas Chandra Mullik.

The list includes the names of some who merely assisted in the conduct of cases.

(*b*) No.

(*c*) and (*d*) The question does not arise.

(*e*) A resolution was passed at a meeting of the members of the Howrah Criminal Court Bar Library only. It recommended that "to encourage the members of the Bar" a panel of pleaders might be formed to receive Government briefs by rotation.

(*f*) None.

(*g*) (*i*) The number of cases in Howrah is not generally beyond the capacity of the Government pleader.

(*ii*) Distribution of briefs by rotation may often be incompatible with adequate conduct of the case.

(*h*) Yes.

(*i*) Endeavours are being made in the bigger districts to engage junior pleaders in smaller cases suitable to their ability and experience.

Maulvi KADER BAKSH: Will the Hon'ble Member be pleased to state in reply to answer (*a*) why no Muhammadan pleader was given any brief at the Howrah Bar?

The Hon'ble Sir ABD-UR-RAHIM: I want fresh notice of this.

Question of opening a pleaders' survey class at Mainamati.

71. Babu AKHIL CHANDRA DATTA: (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether it is in the contemplation of the Government to open a Pleaders' Survey Training Class at Mainamati (Tippera) in 1926?

(*b*) Has the attention of the Hon'ble Member been drawn to the fact that pleaders not only of the Chittagong Division, but also of other neighbouring districts, *e.g.*, Sylhet, Mymensingh, Barisal and Faridpur are likely to join the class at Mainamati?

(*c*) Has the attention of the Hon'ble Member been drawn in this connection to the fact that the Mainamati Survey School is the best equipped and the only major institution for training in survey in Bengal?

(*d*) Are the Government considering the desirability of opening a class at Mainamati, subject to the condition of the minimum number of 8 candidates prescribed in Government notification on the subject, dated 14th October, 1925, and published in the *Calcutta Gazette* of November 5, 1925?

The Hon'ble Sir ABD-UR-RAHIM: (*a*) and (*b*) The answer is in the negative.

(*c*) The question does not arise.

(*d*) No such proposal has reached Government.

"Vakalatnama" or "Agentnama" in filing certificate cases.

72. SHAH SYED EMDADUL HAQ: (*a*) With reference to the reply to question No. 95 (unstarred), asked on the 19th August last, will the Hon'ble Member in charge of the Department of Revenue now be pleased to state whether in any district of Bengal *vakalatnama* or *agentnama* is necessary when filing a certificate case under section 7 of the Bengal Public Demands Recovery Act, 1913 (Bengal Act III of 1913)?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state the names of those districts?

(*c*) Is the Hon'ble Member aware that the filing of such *vakalatnama* or *agentnama* causes hardship to the certificate debtors?

(*d*) Is the Hon'ble Member aware that the Collector of Tippera has discontinued this process and that the certificate cases of that district are being dealt with smoothly?

(*e*) Are the Government considering the desirability of discontinuing this practice in other districts also?

MEMBER in charge of DEPARTMENT of REVENUE [LAND REVENUE] (the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur of Nadia): (*a*) to (*e*) The matter is still under inquiry.

Appointment of Anglo-Indians and Indian Christians to Provincial Judicial Service.

73. Mr. F. E. JAMES: Will the Hon'ble Member in charge of the Judicial Department be pleased to lay on the table a statement showing for the past five years the number of appointments given to (*a*) Anglo-Indians, and (*b*) Indian Christians, in the Provincial Judicial Service?

The Hon'ble Sir ABD-UR-RAHIM: No Anglo-Indians or Indian Christians were appointed to the Bengal Civil Service (Judicial) during the past five years.

Establishment of a Medical School at Berhampore.

74. Maharaj Kumar SRIS CHANDRA NANDY: (*a*) Will the Hon'ble Member in charge of the Department of Local Self-Government be pleased to specify the schemes under the consideration of the Government for the establishment of a medical school at Berhampore?

(*b*) Have the Government definitely decided to make over a portion of the building formerly used as the mental asylum?

(*c*) Is the public subscription, already received or promised, sufficient for maturing the scheme?

(*d*) Have the Government decided as to the amount of their shares of contribution for its initial outlay and recurring charges?

(*e*) Is there any possibility of starting the school in 1926?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: (*a*) The Berhampore Medical School Committee have obtained promises of local contributions amounting to Rs. 1,65,000, of which Rs. 40,000 has been paid.

The hospital has been expanded so as to contain 100 beds. Government have been asked to make the old buildings of the Berhampore Mental Hospital available for the school.

(*b*) No decision has yet been arrived at. At the moment Government's programme is limited to two new schools and they have made offers to the local committees at Chittagong and Jalpaiguri for establishing medical schools in those towns.

(*c*) The subscriptions would meet the capital cost of the scheme—not the recurring charges.

(*d*) Government have as yet made no definite offer to the local committee at Berhampore.

(*e*) Government are not in a position at present to make any definite statement on the subject.

Settlement of temporary-settled estates.

78. Rai SATYENDRA NATH ROY CHOUDHURI Bahadur: (*a*) Will the Hon'ble Member in charge of the Department of Revenue be pleased to state the names of districts in which settlement operations of temporary-settled estates are at present going on in Bengal?

(*b*) Will the Hon'ble Member be pleased to state whether the settlement operation in each district is being conducted in conformity with the Revenue policy of the Government of India, adopted by the Government of Bengal, which lays down that "progressive moderation is the key-note of the policy of Government, and that the standard of 50 per cent. of the assets is one which is almost uniformly observed in practice" (*vide* Land Revenue policy of Indian Government, pages 38, 61, 62, edition of 1920, and Bengal Survey and Settlement Manual, 1917, page 115)?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: (*a*) The more important operations are in Bakarganj, Chittagong, Rajshahi, Malda, Khulna, 24-Parganas, Birbhum and Murshidabad.

(*b*) The passage quoted in the question is a summary proposition for the whole of India and must be read subject to the qualifications stated in the account which leads up to the summary. As stated in the book, it is impossible to apply any one criterion to all parts or classes in one province, much more so to the whole of India. The law under which these settlements are made in Bengal will be found in Regulation VII of 1822 and Act IX of 1847, and the rules in Part III, Chapter III of the Survey and Settlement Manual.

Pay of Sub-Registrars.

79. Babu HEMANTA KUMAR SARKAR: (*a*) Will the Hon'ble Member in charge of the Department of Education (Registration) be pleased to state whether the Government are prepared to consider the grievances of the Sub-Registrars as set forth in the memorial submitted by the members of the Registration Service Association in July, 1925?

(*b*) Is it a fact that the Government promised to grant something substantial to the Sub-Registrars?

(*c*) Is it a fact that the pay of the Sub-Registrars was revised in 1922, last of every Department, and with restrictions, for which many senior officers received no increment whatsoever?

(*d*) Is it a fact that the Registration fees have been doubled and the income of the Department is estimated to increase by Rs. 20,00,000?

(*e*) Are the Government considering the desirability of allotting a portion of the increased sum annually for the erection of office buildings and quarters for the Sub-Registrars?

(*f*) Is it a fact that a small number of officers of this Department were given better and higher appointments in the Executive Department?

(*g*) Did those appointments prove unsuccessful?

(*h*) If not, why has the practice been stopped?

The Hon'ble Sir ABD-UR-RAHIM: (*a*) The question is under the consideration of Government.

(*b*) In answer to starred question XXX (*c*) of the 10th March, 1922, the Hon'ble Minister (Sir P. C. Mitter) said, that subject to financial conditions he would do all in his power to improve the pay and prospects of the Registration Department.

(*c*) The pay of the Sub-Registrars was revised with effect from the 1st December, 1922, under Government resolution No. 44 Mis., dated the 2nd January, 1923. A time-scale pay of Rs. 80 6 140 6 200 10 250, with special incremental charge allowance of Rs. 75 5 100 for Sadar Sub-Registrars, was introduced. This, however, was subject to the restriction that the increase would not be more than (*i*) 40 per cent in the case of those who were drawing a pay of not more than Rs. 100 on that date; (*ii*) 30 per cent. in the case of those who were drawing a pay from Rs. 101 to Rs. 200; and (*iii*) 20 per cent. in the case of those drawing a pay of more than Rs. 200. With the exception of three officers, who were departmental Registrars and were enjoying the maximum pay, all officers got an increase in pay.

(*d*) The Registration fees have been doubled in cases where the value of the property exceeds Rs. 250. It is expected that the income of the Registration Department may increase by 10 lakhs during the current year.

(*e*) No such proposal is under the consideration of Government at present.

(*f*) and (*g*) A very limited number of officers have been appointed to the Executive Services and some of them are still serving, and are easily identifiable. Government are not, therefore, prepared to comment on their abilities in reply to the member's question.

(*h*) It was decided in 1915 that members of the Registration Department were not eligible for promotion to the Provincial and Subordinate Executive Services.

(*c*) The subscriptions would meet the capital cost of the scheme—not the recurring charges.

(*d*) Government have as yet made no definite offer to the local committee at Berhampore.

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(*b*) Will the Hon'ble Member be pleased to state whether the settlement operation in each district is being conducted in conformity with the Revenue policy of the Government of India, adopted by the Government of Bengal, which lays down that "progressive moderation is the key-note of the policy of Government, and that the standard of 50 per cent. of the assets is one which is almost uniformly observed in practice" (*vide* Land Revenue policy of Indian Government, pages 38, 61, 62, edition of 1920, and Bengal Survey and Settlement Manual, 1917, page 115)?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: (*a*) The more important operations are in Bakarganj, Chittagong, Rajshahi, Malda, Khulna, 24-Parganas, Birbhum and Murshidabad.

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(*b*) Is it a fact that the Government promised to grant something substantial to the Sub-Registrars?

(*c*) Is it a fact that the pay of the Sub-Registrars was revised in 1922, last of every Department, and with restrictions, for which many senior officers received no increment whatsoever?

(*d*) Is it a fact that the Registration fees have been doubled and the income of the Department is estimated to increase by Rs. 20,00,000?

(*e*) Are the Government considering the desirability of allotting a portion of the increased sum annually for the erection of office buildings and quarters for the Sub-Registrars?

(*f*) Is it a fact that a small number of officers of this Department were given better and higher appointments in the Executive Department?

(*g*) Did those appointments prove unsuccessful?

(*h*) If not, why has the practice been stopped?

The Hon'ble Sir ABD-UR-RAHIM: (*a*) The question is under the consideration of Government.

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(*f*) and (*g*) A very limited number of officers have been appointed to the Executive Services and some of them are still serving, and are easily identifiable. Government are not, therefore, prepared to comment on their abilities in reply to the member's question.

(*h*) It was decided in 1915 that members of the Registration Department were not eligible for promotion to the Provincial and Subordinate Executive Services.

Appointment of Anglo-Indians and Indian Christians in the Police Service.

77. Mr. F. E. JAMES: Will the Hon'ble Member in charge of the Police Department be pleased to lay on the table a statement showing for the past five years the number of appointments given to (*a*) Anglo-Indians, and (*b*) Indian Christians in the Police Service?

The Hon'ble Sir HUGH STEPHENSON: A statement is laid on the table.

Statement referred to in the reply to unstarred question No. 77, showing the number of appointments given to (a) Anglo-Indians, and (b) Indian Christians in the Police Service during the past five years.

Designation.	Bengal Police.		Calcutta Police.	
	Anglo-Indians.	Indian Christians.	Anglo-Indians.	Indian Christians.
Deputy Superintendents or Assistant Commissioners.	1*	Nil	1†	Nil.
Inspectors ..	3	Nil	4	Nil.
Sergeants ..	12	Nil	128	Nil.
Sub-Inspectors ..	Nil	1	Nil	1
Total ..	16	1	133	1

* Deputy Superintendent. † Assistant Commissioner.

Non-official Business.

Non-official Members' Bills.

The adjourned debate on the Bengal Local Self-Government (Amendment) Bill, 1925, was then resumed.

Maulvi SAYEDUL HOQUE: Every passing of the hour leaves on the heart such feelings of doubt and discontent which burning within themselves will one day evolve such wild fire to which the volcanic erruption will be infinitesimal in magnitude. Indications are not few and far between but they are not eye-opener to the self-conceited. Misapplication of principles and misinterpretation of facts will not help much. There is only one way out of it. It is to concede to the just

cause of the Indians. It may be, they will tell upon the vested interest of our rulers but this unfortunate process must be gone through lest the Indians may be driven to desperation, martial force may subdue a nation, for a length of time, but one day it must yield. Our rulers in England yielded to Americans even recently they have yielded to Ireland; Austria yielded to Hungary, Japan yielded to Korea, but history is barren to prove the contrary, I do not know whether these historical lessons will weigh much with our rulers but it is admitted on all hands that to run the government of a country on the good will of the people is better than to rule it by fear and threat. Menacing matter will not do. Concessions have to be made and it is better to make them before feelings are straitened. Concessions should always proceed from the stronger and with dignity. False sense of prestige and suspicion, I know as all know will stand on the way but largeness of heart and greatness of discern will dismiss them at once than be carried away by them. It is a well known saying that a great empire and little mind go ill together. Sincerity commands sincerity but suspicion begets suspicion. Now the question is whether there is any real and valid ground for giving rise to such suspicion. Is it in the doubt of Indian ability? In some cases Indians have been made responsible and I think they have not been found failing in their duty. I have heard in this very House His Excellency to pay tribute to the *ex*-Ministers for the excellent service they have rendered. His Excellency must have said what he meant. I have never heard of any local body to fail in performing its duties. Some District Boards, Municipalities or Corporation have no doubt declined to present addresses to their Excellency but that was quite in harmony with the election manifestos. But as regards the internal management of the local bodies I think their ability cannot be questioned and has not been questioned. Is it not too much to expect, willing obedience and sincere allegiance of those who think that their rights and aspirations have been trodden under foot and their love for freedom is considered as an act of sacrilege? Now the inevitable conclusion is this that the suspicion is not due to the doubt in Indian ability but it springs from another fountain head which seems to be the source of all contention and trouble. That is if autonomy is granted to provinces and local bodies, they may stand against the interest of the central or parental body; I think there is absolutely no reason why they should stand against the just demands that can properly be made of them. The idea is not new to our rulers. There are self-governing dominions under the British Empire. They have never been found wanting to help the Home Government either in times of war or in times of peace. Why should it prove exception to our case? Is it because that we are not white? It is needless to say that with the growth of the child the power of the father dwindles. A tyrant father will one morning find that all his power is set at naught by his son who has been made desperate but a wise father submits to the limitations of

nature and remain content with what power he can enjoy by the willing obedience of the child. I leave the case of a stepfather to my hon'ble and learned friends. Perhaps these arguments will meet with little sympathy at the hands of those who postulate that they are the custodians of Indian's destiny and more or less the keepers of conscience of the Indians who have not attained, perhaps will never attain, the age of discretion and therefore to be kept under tutelage. Perhaps some of these arguments will seem to be unwarranted and greatly impudent. However, there are some who sincerely believe that they are the proper curators of India's interest, rightly or wrongly while there are others who, in spite of their knowing the contrary full well, keep their countenance to maintain advantageous position they are enjoying. No doubt the helpless condition of the Indians may form the curious subject of study, the people being one of the most ancient civilized nations of the world and the country, being so vastly resourceful in man and materials. Now who is responsible for the present deplorable condition of India? I do not like to go deep into the matter. Whether the British Rule in India has proved beneficial to the soil or not, opinions differ widely. What Indian trade and commerce, arts and literature, science and industries and wealth and prosperity could have taken under Indian sovereignty is left to the Hon'ble Member to determine, but I only say this much that admitting proper allowance to the influence of time, the condition of Indian people has not appreciably improved economically, or otherwise, in spite of the British Rule for over 150 years. Taking the entire population into consideration, male and female, even to-day the number of those who can only read and write will barely exceed two in every hundred. If I had time I could prove it conclusively. I quote from La Bruyére to show the condition in France before the revolution—unfortunately this is the condition practically in India now-a-days. He wrote:

> Animals of certain species, male and female, are to be seen all over the country, they are dirty livid and sun burned and seen to be held in some manner to the earth which they dig with invincible obstinacy. They have an articulate voice and when they stand upright they revealed a human countenance. At night they retire into the dense and subsist entirely on black breads, water and roots. To relieve other men of the necessity of tilling, sowing and reaping hence they desire never to want for that which they have themselves produced.

Sir, a similarly miserable sight on Indian streets surely have not escaped the eyes of many though they might have been indifferent passers-by. This miserable state of affairs in India may hold a bright prospect to many but they are sure to find one day that they have been troddling on a very uncertain and dangerous ground, because out of desperation bleedness often comes as it came in America and other countries. However, my whole point is not to frighten any body but to discover a point where all lines will meet and whence we shall see not two thoroughfares but one to proceed further. The two ends meet

there and then only where and when we learn rather to practise than to respect the wishes of one another. To me it seems that the true course which is congenial both for Indians and the Englishmen alike, does not lie in making India poorer, weaker and defenceless, but in rising above all pettiness by even giving the devil its share. We are to meet half-way conceding to the just demand of Indians who in turn is to adhere more closely and more loyally as integral part of the British Empire. We want to shoulder the responsibility and also we consider it to be our inborn right to manage our internal affairs and our claims have also been supported by authorities and declarations. We want to see that these declarations are fulfilled. Sincerity should be established first, then co-operation will follow as a night will follow a day. If my Bill is considered in the line I have indicated I hope there will be little room for opposition. The authority of the local Government is kept intact. This Act even can be recalled or repealed any moment. The local or district boards are made responsible for the management of their own affairs with a view to make them self-governing institutions without interference from the District Magistrates or Commissioners. It need hardly be said that it is quite derogatory to say that a body of qualified representatives shall not be able to manage their internal affairs independent of a single man, the Magistrate. Before I sit down I would like to refer to the financial freedom I have proposed. I do not know of any self-governing institution without sufficient control over the purse, which is both requisite and adequate. All talking responsibility without such financial freedom is sham and hollow. With these words I submit my Bill to the acceptance of the House.

Babu AMULYA DHONE ADDY: I beg to move, by way of amendment, that the said Bill be circulated for the purpose of eliciting opinion thereon within one month of the carrying of this motion in Council.

It will appear that this Bill consists of 43 clauses, but it appears from the Statement of Objects and Reasons that my friend the mover of the Bill has explained the objects in six lines only. It is stated there that this Bill is intended to develop the system of local self-government in Bengal, and to secure this end the local authorities should be invested with more and more powers and responsibilities for the management of their own affairs. I entirely agree with him that as the Local Self-Government Act was enacted in 1885, about 40 years ago, time has now come when these local authorities should be invested with more powers and responsibilities. I am of opinion that time has come when the local Government should relax their control over these local authorities, but the question is how far this control should be relaxed, what powers should be invested in these local authorities, and what more responsibilities should be entrusted to them.

I do not oppose the Bill; on the contrary I support this Bill generally, but what I would request is that we should have public opinion on the provisions of the Bill before the Bill is passed. In the case of the Bengal Highways Bill, a Bill consisting of only 4 or 5 clauses, a Bill which was not so important as this was, Government was pleased to ask for the opinion of all the district boards of Bengal; but in this particular case I fail to understand why the Hon'ble Member in charge of Local Self-Government has not thought fit to ask for the opinion of the district boards of Bengal which are vitally interested in this question. In lieu thereof he has suggested that the Bill should at once be referred—and I entirely agree with him—to a Select Committee consisting of the leading members of the Council, but at the same time I beg to submit that it should not be referred to any committee whatever unless and until we have been favoured with public opinion and especially of the district boards which are vitally interested in this question.

Now it appears from the provisions of the Bill that the proportion of nominated members of district boards has been proposed to be reduced from one-half to one-fifth. This is one of the reasons why we should have public opinion on this point—whether it should be one-fifth, one-fourth or one-tenth. I beg to draw your attention to one fact and that is that the minority should be well represented in the district boards. We must have a certain number of Muhammadans. We must have a certain number to represent the depressed class and to represent labour also in the district boards. Anglo-Indian interests should also be well represented there, as my friend Dr. Moreno suggests. As regards the traders I draw your special attention to this question because it is one of my duties to do so, being a representative of the Bengal National Chamber of Commerce in this Council. Traders in the mufassal are not well represented in the district boards and municipalities. So some provision ought to be made so that the representatives of the trade and commerce may have some chance of being nominated to the district boards. Therefore, we must have the opinion of the public at large as to the extent of the reduction in number of nominated members, and as to which persons or which communities should be represented in the district boards.

As regards Government control over the district boards, Government at present exercises a degree of control which is not desirable, but at the same time, I am most reluctant to do away altogether with the control of the local Government. Therefore, I must have the opinion of the public as to how far this control should be relaxed and whether it should be done away with altogether. Under the Bill it is proposed to omit certain important sections of the Local Self-Government Act, namely, sections 41, 48, 60, 71, 124, 126, 127 and 128. I agree with the mover of the Bill that some of the sections should be altogether omitted but before we commit ourselves to that course, let us have public opinion

and then refer the matter to a Select Committee of this House for consideration and report. As regards the composition of the Select Committee——

Maulvi MD. NURUL HUQ CHAUDHURI: On a point of order, Sir. Is the speaker entitled to refer to the Select Committee, the proposal for which has not yet been moved?

Mr. PRESIDENT: Mr. Addy, if you are referring to the personnel of the committee, you are out of order.

Dr. H. W. B. MORENO: Was it not your ruling, Sir, that when a member is on his feet he is to speak on the original motion as well as on the amendments (if any) for, later on, he would be precluded from delivering another speech on the same subject?

Mr. PRESIDENT: Quite so, Dr. Moreno. But the amendment has not been moved as yet. After this motion has been disposed of, I will come to the Maharaja's motion regarding the reference of the Bill to a Select Committee.

Babu AMULYA DHONE ADDY: May I speak on that amendment, Sir, when it is under discussion?

Mr. PRESIDENT: Yes, only if your motion is lost.

Babu AMULYA DHONE ADDY: I beg to submit, Sir that in regard to an important Bill of this kind Government should be pleased to ask for public opinion and especially the opinion of the district boards which are vitally interested in this matter, on the Bill which contains some important innovations. My opinion is that the Council should not commit itself to the provisions of the Bill as they are.

The motion of Babu Amulya Dhone Addy that the Bengal Local Self-Government (Amendment) Bill be circulated for the purpose of eliciting opinion thereon within one month of the carrying of this motion in Council was then put and lost.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: The position is that the Government and the parties to which——

Mr. PRESIDENT: You are to move your motion first.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: Before I move my motion I wish to make a statement in order to make things clear. The position is, as I said, the Government and the parties to which Rai Satyendra Nath Roy Choudhuri Bahadur and Maulvi Asimuddin Ahamad belong and the mover of the Bill have a

right of standing over certain procedure to be adopted with regard to this Bill subject, of course, to your approval and the consent of the House. The mover of the Bill is, I understand, prepared to withdraw the motion that the Bill be taken into consideration.

Mr. PRESIDENT: Order, order! If the mover withdraws his motion the whole thing fails. Do I understand that he withdraws his motion.

(Cries of no, no.)

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: We have discussed and arrived at a compromise regarding the composition of the Select Committee which will, I think, be acceptable to all the parties. So I formally move, with your permission, for leave to substitute the following names in place of those that appear in my motion on the paper to constitute the Select Committee:—

Maulvi Ekramul Huq, Raja Manmatha Nath Ray Chaudhuri, of Santosh, Maulvi Sayyed Sultan Ali, Raja Maniloll Singh Roy of Chakdighi, Mr. S. W. Goode, Maulvi Sayedul Hoque, Mr. B. N. Sasmal, Maulvi Md. Nurul Huq Chaudhuri, Maulvi Muhammad Yasin, Babu Bejoy Krishna Bose, Maulvi Kader Baksh, Babu Taraknath Mukerjea, and myself with instructions to submit their report before the next session of the Council, and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

I hope this will be acceptable to the House.

Mr. PRESIDENT: Have you taken the permission of the members whose names you propose and are they willing to serve?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: Yes, Sir.

Mr. PRESIDENT: Do I understand that the motions of Rai Satyendra Nath Roy Choudhuri Bahadur and Maulvi Asimuddin Ahamad are withdrawn.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: Yes.

Mr. PRESIDENT: In that case I would accept this new amendment without notice. But there would be this difficulty—if other members get up and propose amendments I shall have to accept them, too. That is the risk you run.

Babu AMULYA DHONE ADDY: Do the new names proposed include that of Rai Abinash Chandra Banerjee Bahadur?

Mr. PRESIDENT: If any other member wishes to send in amendments suggesting other names I shall be glad to accept them without notice. The debate will now continue on the Maharaja's amendment.

The following motions were then, by leave of the Council, withdrawn:—

Rai SATYENDRA NATH ROY CHOUDHURI Bahadur to move, by way of amendment, that the Bill be referred to a Select Committee consisting of the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur of Nadia, Mr. S. W. Goode, Babu Bejoy Krishna Bose, Maulvi Sayedul Hoque, Maulvi Abdul Gafur, Maulvi Kader Baksh, Maulvi Abdur Raschid Khan, Babu Taraknath Mukerjea, Babu Jogindra Chandra Chakravarti, Rai Harendranath Chaudhuri, Mr. B. N. Sasmal, Raja Maniloll Singh Roy of Chakdighi, Babu Abanish Chandra Ray, Babu Boroda Prosad Dey and the mover, with instructions to submit their report as soon as possible.

Maulvi ASIMUDDIN AHAMAD to move, by way of amendment, that the said Bill be referred to a Select Committee consisting of the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur of Nadia, Dr. Pramathanath Banerjea, Dr. Bidhan Chandra Roy, Mr. B. N. Sasmal, Mr. Kiran Sankar Roy, Maulvi Md. Nurul Huq Chaudhury, Maulvi Wahed Hossain, Maulvi Md. Yasin, Maulvi Abdur Raschid Khan, Maulvi Sayedul Hoque, and the mover, with instructions to submit their report in time for its consideration in Council in the January or February session of the Bengal Legislative Council (whichever will be the earlier), and the number of members whose presence shall be necessary for constituting a quorum shall be five.

Dr. H. W. B. MORENO: I should like to speak a word or two with regard to the personnel of the committee proposed by the Maharaja Bahadur. I notice that in this personnel while European interests, Muhammadan interests and Hindu interests are all represented, Anglo-Indian interests are carefully avoided. Not only in this Bill, Sir, but also in other Bills moved by the Maharaja Bahadur——

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: On a point of order. He refers to other Bills moved by me in this Council. Are we discussing "other Bills" here now? Dr. Moreno refers to other Bills in which, he says, Anglo-Indian interests are not represented.

Mr. PRESIDENT: If Dr. Moreno thinks that he has a grievance against you regarding non-representation of the Anglo-Indian community he can develop his point in order to make his point clear.

Dr. H. W. B. MORENO: I trust, Sir, that the Maharaja Bahadur now sees that I am in order according to your ruling in developing my argument.

Mr. PRESIDENT: I would advise you not to waste your time but come to your point at once.

Dr. H. W. B. MORENO: I notice that in previous Bills Anglo-Indian interests have been carefully avoided by Government—I put it strongly—deliberately avoided by Government and especially by the Maharaja Bahadur as seen in the personnel of the committees on his Bills. Does the Maharaja Bahadur consider that the Anglo-Indians are so very far from all glimmerings of intelligence that they cannot even take a passing interest in things pertaining to the public welfare of Bengal; or does he hold that they are such a negligible minority that they can with impunity be overlooked? To both these I enter my emphatic protest. It is a very painful subject for me to discuss in this Council, a thing which is peculiar to me and my community. I hold that Government should give every opportunity for all interests to be represented in the activities of this Council.

Maulvi Md. NURUL HUQ CHAUDHURI: On a point of order. Do the Anglo-Indians live in villages for which this Bill is going to be enacted?

Mr. PRESIDENT: That is not a point of order and I am sorry you have interrupted the member who is in possession of the House.

Dr. H. W. B. MORENO: I am surprised to find the Hon'ble Member state as his opinion that Anglo-Indians live only in the large and populous towns of this province? Such a statement has only to be mentioned to be ridiculed. The action of the Maharaja Bahadur in excluding a representative of the Anglo-Indian community on the committee is unfair to say the least, and I enter here my most solemn and emphatic protest against such sort of procedure. I think it is to the interests of Government to have the opinions of all concerned and to avoid all grounds for future misunderstanding. With these remarks I resume my seat and trust that Government will be more careful in the future in its consideration of the representation of all interests in this Council.

Babu DEBI PROSAD KHAITAN: Although I cannot agree with what Dr. Moreno has said that even in these matters communal interests shall be represented may I propose that the name of Dr. Moreno be included in the Select Committee.

Mr. PRESIDENT: Please let me have your amendment in a written form.

Babu AMULYA DHONE ADDY: May I propose that the name of Rai A. C. Banerjee Bahadur be added to the list of members of the Select Committee? I am sorry to find that although his name appears in the original list, it does not appear in the new list.

Mr. PRESIDENT: Have you obtained the consent of Rai A. C. Banerjee Bahadur?

Babu AMULYA DHONE ADDY: As he was willing to serve in the first committee, it may be taken that he will also be willing to serve in this committee.

May I know, Sir, why his name has been omitted in the list although it was in the first list? Is it because he is a member of the Bengal National Chamber of Commerce? I think, Sir, he is a fit person to be on the committee as the representative of that Chamber and should be included.

Apart from that question he is a proper person to be a member of that committee having regard to the fact that he is the Chairman of a very important district board, *viz.*, that of Birbhum. As this Bill deals with the administration of district boards I think the name of this gentleman who has expressed his willingness to serve on the committee should be added to the list of members of the Select Committee.

Mr. PRESIDENT: I have received notice of two more amendments, *viz.*, one to include the name of Rai Abinash Chandra Banerjee Bahadur and the other to include the name of Dr. H. W. B. Moreno.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: Sir, personally I have no objection to include the names of these gentlemen, but this committee was selected as I have said as a compromise. We have after all to give and take.

Mr. PRESIDENT: If you talk of compromise may I ask between whom the compromise has been arrived at; because a serious charge has been made against Government that they have not taken the other party into confidence.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: Compromise between the mover of the Bill and the movers of the different motions.

The motion of Babu Debi Prosad Khaitan to include the name of Dr. H. W. B. Moreno to the list of members of the Select Committee was then put and lost.

The motion of Babu Amulya Dhone Addy to include the name of Rai Abinash Chandra Banerjee Bahadur in the list of the members of the Select Committee was then put and lost.

The motion that the Bengal Local Self-Government (Amendment) Bill 1925, be referred to a Select Committee consisting of Maulvi Ekramul Huq, Raja Manmatha Nath Ray Chaudhuri of Santosh, Maulvi Sayyed Sultan Ali, Raja Maniloll Singh Roy, of Chakdighi, Mr. S. W. Goode, Maulvi Sayedul Hoque, Mr. B. N. Sasmal, Maulvi Md. Nurul Huq Chaudhury, Maulvi Muhammad Yasin, Babu Bejoy Krishna Bose, Maulvi Kader Baksh, Babu Taraknath Mukerjea and the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur of Nadia, with instructions to submit their report before the next session of Council, the number of members whose presence shall be necessary for constituting a quorum, shall be five, was then put and agreed to.

The Bengal "Phuka" Bill, 1925.

Dr. H. W. B. MORENO: I beg to move that the Bengal *Phuka* Bill, 1925, be circulated for the purpose of eliciting opinion thereon by the 15th January, 1926.

At a previous meeting of this Council this Bill was introduced and formally accepted. Since then the Bill has been maturing by a very gradual process and in this meeting of the Council it is proposed to have it circulated for the purpose of eliciting public opinion thereon. At a subsequent meeting I hope to ask the Council to refer the Bill to a Select Committee for consideration and at a still more subsequent meeting to ask the Council to accept the Bill as settled in the Council.

Mr. PRESIDENT: Please make a very short statement.

Dr. H. W. B. MORENO: Yes, Sir, I shall be very short. This is only one step in the process of maturing; and I think there can be little controversy as we are all agreed that strict and proper methods should be adopted for the detection and also a deterrent punishment for the abhorrent practice of *phuka* which is causing havoc among the cattle in India leading to their deterioration and to the diminution of milk and milk products. I think there can be little objection to this Bill and I, therefore, formally beg leave to move that the Bill be circulated for eliciting public opinion thereon.

The Hon'ble Sir HUGH STEPHENSON: I do not wish to oppose this motion. I wish, however, to make quite clear what my position is in this matter. This Bill re-enacts the provisions, regarding *phuka* contained in the Cruelty to Animals Act of 1920, which has not yet been brought into force because of the prolonged correspondence with the Calcutta Corporation. Whether the Council will, at a later stage, think it desirable to re-enact the provisions of that Act will be one for them to decide. The position is that the provisions of this Bill are already contained in the Act I have quoted. The only new thing in this Bill is the definition of *phuka*, and also the provision giving the Corporation concurrent powers with the police to appoint a staff for search, inspection and prosecution. These men are to have powers of search without a warrant at any time and the power of arresting without a warrant. These powers are rather drastic, and I shall, at a later stage, if the Bill comes up for consideration, probably oppose this power. At this stage I do not wish to oppose the Bill.

Babu AMULYA DHONE ADDY: I have much pleasure in supporting this Bill. Sir, we all know that the rate of mortality in Bengal is very heavy and as regards infant mortality it is the heaviest and what is the reason for it? The reason is not very far to seek. It is the dearth of good cows' milk in Bengal. There are reasons which are responsible for infant mortality and one of the special reasons is the practice of *phuka* on the prime cows in Calcutta. There are about one thousand cow-sheds in Calcutta and its suburbs in which the process of *phuka* is practised and in the absence of any special law the culprits are not adequately punished. Therefore, it has become desirable that there should be some legislation to put a stop to this heinous practice, the practice under which even the prime cows become sterile and useless with the result that they are sold to butchers for being slaughtered. In connection with this item I would draw your attention to the opinion of Mr. C. F. Payne who was the Chairman of the Calcutta Corporation. He stated:

> The *goala* usually buys his cows at the beginning of their second lactation period. He then sells away the calf and begins to practise the abominable *phuka* on the cows and obtains milk for 6 or 8 months at the most. By the end of that time the cow ceases to give milk and becomes unfit for breeding purposes for at least 2 or 3 years. The butcher is in waiting and however fine the animal may be, she is sold away for slaughter without scruple for a small sum. This is a process which is constantly going on with the best cows in the country. The cruelty of it will probably appeal strongly to my hearers, but what appeals to me even more strongly is the abominable wastefulness of the system. The result is that good cows are harder to procure every year and the price of cattle as well as of milk is steadily going up.

It has been stated by the Hon'ble Sir Hugh Stephenson that there is a similar provision in Bengal *viz.*: Bengal Act I of 1920, but I am really sorry or rather I am ashamed to state that the Government has

not thought it fit to enforce it even now, and that is the greater reason why it has become absolutely necessary that there should be some sort of legislation to prevent the practice of *phuka* on prime and milch cows of Calcutta and in course of time to extend its operations to the districts of Bengal.

Dr. H. W. B. MORENO: I shall set at rest some of the difficulties to which the Hon'ble Member in charge referred to in dealing with my Bill. As a matter of fact the new Act to which he alludes has not yet been put into operation, so its provisions are of no value at all. This Bill will strengthen the present Act and will allow for the conferring of distinct powers to officers to arrest persons, without warrant, if they are suspected of practising *phuka* on animals. In the Act which is now in force a person entering a building has on entering immediately to witness a case of *phuka* being practised, if he does not, he becomes liable for house-trespass. This Act, if it is passed, will allow a person, if he has reasonable suspicion, to enter a building and make arrests, if he thinks that the animals have had *phuka* practised on them. Then again, Sir, if you notice the sections concerning punishment, you will find they are severer than those in the Prevention of Cruelty to Animals Act. Further, there is a clause which gives power to the Corporation to appoint special officers who may be deputed to detect cases of *phuka*. We have heard in the public press and outside that the Society for the Prevention of Cruelty to Animals is not doing its duty. I am not here to support the Society or to criticize its actions. I am here in this Bill affording the Corporation as well the opportunity to appoint officers in order to strengthen the work of the Society and augment such work. It has been ascertained that this practice of *phuka* is being carried on, on over five thousand animals in Bengal.

Only the other day I was at the Tangra Slaughter House examining the animals put up for slaughter; among them I saw a large number of prime cattle coming in for slaughter. I questioned the Superintendent as to why such good cattle were being slaughtered and in reply he said that almost 75 per cent. of them had had the disgusting practice of *phuka* practised on them, which had rendered them sterile for the rest of their lives, that was why these animals had been given over to the butcher's knife, their period of usefulness for all time had been stopped. I thought this a glaring instance of the serious drain upon the cattle of the land. If such things are done here in Calcutta one can imagine what is going on outside Calcutta, in other centres in Bengal. Some real effort should be done to detect and punish the perpetration of such crimes. There is no reason why Government should not co-operate with the people in putting down this abominable practice, putting it down with a high hand.

The motion of Dr. H. W. B. Moreno that the Bengal "Phuka" Bill, 1925, be circulated for the purpose of eliciting opinion thereon by the 15th January, 1926 was then put and agreed to.

The Bengal Hindu Public Trusts Bill, 1925.

The following motion stood in the name of Babu Debi Prosad Khaitan:—

"That the Bengal Hindu Public Trusts Bill, 1925, be referred to a Select Committee consisting of the Hon'ble Sir Abd-ur-Rahim, Mr. J. H. Lindsay, Mr. H. C. Liddell, Mr. Byomkes Chakravarti, Rai Abinash Chandra Banerjee Bahadur, Rai Bahadur Badridas Goenka, Babu Bejoy Krishna Bose, Babu Jatindra Nath Basu, Babu Akhil Chandra Datta, Dr. Pramathanath Banerjea, Babu Amulya Dhone Addy, Babu Hemanta Kumar Sarkar and the mover, with instructions to submit their report as soon as possible and that the number of members whose presence shall be necessary to form a quorum shall be five."

Babu DEBI PROSAD KHAITAN: This Bill was introduced at the last session of the Council. Since I sent notice of this motion my attention has been drawn to a certain amount of opposition to the provisions of this Bill. It appears that the opposition which has been advanced against the provisions of this Bill are based on either misunderstanding of the Bill or a non-perusal of the Bill absolutely.

The first ground of opposition is that on social and religious matters no legislature ought to be introduced. This ground is against the actual state of affairs. Even as recently as the year 1920, the Religious and Charitable Trusts Act was passed by the Imperial Legislative Council empowering the Courts to call upon Trustees to furnish accounts and other particulars relating to the Trusts. Then there is section 92 of the Civil Procedure Code which also lays down the procedure according to which any inquiry may be made at present, and under which suits can be instituted and the necessary orders passed in regard to any public Trust. Therefore, it cannot be said that on social and religious matters no legislature is in existence or that any legislature should not interfere therewith.

The other ground upon which opposition has been advanced is that if this Bill be passed into law, the cultural and religious matters relating to any particular sect of the community will be interfered with by other sects. That is just the point which this Bill prevents. In this Bill it is provided that a Committee of Inquiry should be formed from amongst that section of the people for whose benefit a particular Trust

exists. Under the present system the inquiry is conducted not only by other sects, but even by officers and judges of different forms of religion absolutely. Secondly, the Committee of Inquiry can only be appointed at the instance of persons belonging to that section of the community for whose benefit the particular Trust exists. Even there sufficient provision has been made to ensure that people of other sects and creeds cannot interfere with any religious matters. The Board of Charitable Commissioners that has been suggested in my Bill is entirely composed of Hindus; consequently it is ensured in the Bill that whatever orders are finally passed, are passed by members of the Hindu community, and they will certainly be able to pass orders in a better way than the judges or officers belonging to other sects and creeds.

In these circumstances my object in saying this is to inform the public that the objections put forward are either owing to a misunderstanding of the Bill or by reason of a non-perusal of the Bill. But at the same time I feel that a Bill of this nature should not be rushed through when there is so much opposition. In these circumstances I do not desire to move the motion that stands in my name, but to give fresh notice for the January session of the Council.

Mr. PRESIDENT: In that case, I do not know what the procedure ought to be.

Babu DEBI PROSAD KHAITAN: I think I am entitled under the rules not to move now and to give fresh notice for the January session.

Mr. A. C. BANERJEE: On a point of order, might I ask one question? Is it not usual for the mover of a Bill to read the Bill first, and if he reads it, can it be withdrawn after that?

(At this stage the Council was adjourned for 10 minutes.)

[After the adjournment.]

Mr. PRESIDENT: I understand from Mr. Khaitan that he does not intend to move the motion that stands in his name. It is a pretty big personal explanation that he has offered for not moving his motion and he was not quite in order. I could not define his intention at the time, or I would have stopped him. In any case the position now is that the motion is not moved.

Mr. S. N. HALDAR: May I draw your attention to Standing Order No. 56 at page 259 of the Manual. The procedure laid down there is this: "the member in charge of the Bill may at any stage of the Bill move that the Bill be withdrawn, and if such motion be carried, then the Bill will be withdrawn."

Mr. PRESIDENT: But he is not moving for the withdrawal of his Bill.

Mr. S. N. HALDAR: I understood Mr. Khaitan to say that he was withdrawing his Bill. The Bill has been circulated after introduction.

Mr. PRESIDENT: That is not the case. Mr. Khaitan simply does not move his motion for the reference of his Bill to Select Committee. But he should not have made any speech, and I hope he will be careful not to offend in this direction in the future.

The Bengal Pasture Bill, 1925.

Dr. H. W. B. MORENO: I beg to move that the Bengal Pasture Bill, 1925, be circulated for the purpose of eliciting opinion thereon by the 15th January, 1926.

This Bill, as in the case of the previous Bill is in the process of maturing. It is already in the second process for circulation in order to secure public opinion. I desire, in the first instance, to remove some of the misapprehensions concerning this Bill. There is nothing very drastic in its provisions. All that the Bill provides is that it enables the Government to acquire pasture land where necessary, it affords ways and means for the acquisition of such pasture lands and for the maintenance of them. There is nothing extraordinary in this Bill; it is merely an enabling Bill. It does not seek to set the machinery of Government immediately in motion to acquire pasture-lands where there was none before. Throughout this Bill no attempt is made to force the hands of Government to acquire pasture land in Districts and other centres forthwith.

With regard to the Bill itself, the first few sections give the *modus operandi* for securing pasture lands, and give Government the means to secure such lands. According to section 18 (*c*) of the Bengal Tenancy Act, the Government is permitted to forfeit the fees of landlords which are not withdrawn within three years and which have been deposited with Government for specific purposes. These fees remain with the Government and if not claimed, they escheat to Government. This large sum of money will enable the Government to have the wherewithal to acquire pasture lands, after all this money is really paid by the people by way of fees, and can be well spent for the welfare of the people.

Then with regard to the recovery of pastures, what happens in the present instance is this: you have pasture lands and gradually both landlords and tenants, zemindars and raiyats keep on encroaching upon

these lands, and the poor dumb driven millions of cattle are deprived of these lands which are theirs by right and which are gradually absorbed either by the zemindars or the raiyats for the purpose of cultivation. This Bill will allow such lands to remain intact in future.

When the Permanent Settlement was passed in 1793, distinct arrangements were made for the mapping out and maintaining of pasturages in Bengal. All these things have passed away, and if you go to the Settlement Officer and ask where are these pasturages he will tell you that there is no record of them. This Bill will prevent this sort of thing in the future.

Then again, in Chapter IV of the Bill there are ways and means provided for the maintenance and management of these pasture lands.

The whole Bill, therefore, while being a most useful measure does not ask for any drastic change to take place immediately in the Settlement of Bengal. As I said before, it is merely an enabling Bill. At the present moment I am only asking for it to be circulated for public opinion and I trust there will be no serious opposition to it at this stage.

The Hon'ble Sir HUGH STEPHENSON: I have no wish whatever to oppose this motion for circulation, but perhaps it would be as well if I said something on my probable future attitude on the Bill.

It is quite true, as Dr. Moreno has said, that it is an enabling Bill, and I think we shall find that it will be almost entirely a dead letter. On the other hand, it is not so innocent as Dr. Moreno makes it out to be. When once it is set in motion it enables the Collector, with no appeal, to decide on all questions of right to pasture lands. It enables the Collector to say that land was pasture land 200 years ago, and therefore to dispossess the present owners without compensation. It gives no appeal against the Collector's decision as to what are the rights on the land, as to whether the land is pasture land, and as to whether the owner has a claim to compensation at all. If the land was ever pasture, the Bill makes no provision whatever for any compensation to the owner. It sets up a Village Board for administering the pasture lands. I am doubtful, Sir, of the efficiency of this Board.

My main objection to the Bill is that it is endeavouring to fight an economic process. The experience of all countries is that you cannot turn the economic clock back. The reason why there is no pasture land in Bengal at the present moment is because it is more profitable to use the land for agriculture, and as long as it is more profitable to use these lands for agriculture, it is no use trying to restrain the process. In England, before the war, the process was the other way; it was more profitable to have land for pasture than for cultivation. The result was that a large quantity of plough land was put under pasture.

You cannot interfere by passing laws with economic process of that kind. Sir, my last comment is on the question of landlords' fees. Dr. Moreno talks as if these landlords' fees were something which Government puts into its pocket and spends on lollipops but they are a part of the provincial revenues of Bengal and if we are going to give landlords' fees for this purpose we might as well give a part of the excise tax or something else. The meaning of the section in the Bill is that Government shall pay—it does not matter whether it is paid from landlords' fees or excise revenue or land revenue. It must be paid from out of the provincial revenues of Bengal. As I have said I do not oppose at this stage the motion for circulation of the Bill. I only hope that the bodies to whom it will be circulated will very carefully consider it.

The motion of Dr. H. W. B. Moreno that the Bengal Pasture Bill, 1925, be circulated for the purpose of eliciting opinion thereon by the 15th January, 1926, was then put and agreed to.

The Calcutta Rent (Amendment No. II) Bill, 1925.

Dr. H. W. B. MORENO to move that the Calcutta Rent (Amendment No. II) Bill, 1925, be circulated for the purpose of eliciting opinion thereon by the 15th January, 1926.

I beg leave to move that the Calcutta Rent (Amendment No. II) Bill, be circulated for eliciting opinion thereon. This Bill is in fulfilment of a promise, which I gave to this Council, to amend some of the defects and anomalies of the Rent Act since it has been extended for three years. The Act is very limited in its scope. It affects only the premises carrying rents amounting to Rs. 250 and under. Therefore, this Bill affects largely the *bhadralog* class of Bengal, especially those living in Calcutta as it affects largely the Anglo-Indian community. There is not the least doubt that there are many glaring defects and anomalies in the Act some of which have been pointed out by my friends and by some persons in authority. Any one perusing the Objects and Reasons attached to my Bill will see that I am attempting to remedy some of the difficulties which are now being met in the administration of the Act. It is noticeable that there is already a large falling off of cases in the Rent Controller's Court simply because the Bill has provisions which are by no means satisfactory either to the landlord or to the tenant. My purpose here is to have some of its defects remedied and my object in moving for its circulation in order to secure public opinion is this: The Bill will afford opportunity to public bodies as well as to members of the public to give their opinion on this Bill so that the real defects and anomalies

may be corrected. I trust that no body will have any serious objection to the Rent Act being amended. I merely ask that the defects and anomalies be righted and for that purpose in view I seek for public opinion on the general provisions of the Bill.

Babu SURENDRA NATH RAY: In answer to the question to-day, *viz.*, whether Government was considering the desirability of taking steps to repeal the Calcutta Rent Act, the Hon'ble Maharaja Bahadur of Nadia said that Government did not consider it necessary to curtail the operation of the Act as it was going to expire in March, 1927. Under these circumstances I do not see any necessity for introducing this Bill for the amendment of the Act and circulating it for public opinion. I think it will be a waste of time because we cannot expect to get these opinions before another two or three months and the Bill cannot be taken up before March next. What is the use then of wasting so much time and money when we know that the Act expires a year hence.

Babu AMULYA DHONE ADDY: I beg to oppose the motion which has been moved by Dr. Moreno. Had I been under the impression that the Rent Act should be in force permanently I would certainly have supported it, because it is full of anomalies and the sooner they are remedied the better. The life of this Act is up to March, 1927. So, is it necessary that the Act should be amended as suggested by Dr. Moreno? This Act is nothing but a temporary one. In 1920, the Calcutta Rent Act was introduced by the Hon'ble the Maharajadhiraja Bahadur of Burdwan and he stated that the object of the Bill was to restrict temporarily the increase of rents in Calcutta. He stated that this was necessitated by the abnormal situation which existed at that time as a consequence of the war and this situation was described under three heads, *viz.*, building operations had been restricted to a minimum during the war, that there has been an unusual and most extraordinary increase of land valuation and lands were sold on reckless speculation. Now, Sir, that was the reason as to why we in this Council passed the Bill, into law. In 1923, when there was a proposal to further extend it, Sir Surendra Nath Banerjea was reported to have stated that the abnormal situation which existed in 1920 no longer existed in 1923 and that the situation was approaching normal condition and that any further control in rent by an Act would be unjustifiable. Not only so, but it would be actually harmful to have an extension of the Rent Act on the Statute Book. Sir, that was the promise of Sir Surendra Nath Banerjea and the Act was extended only for one year. In 1924, when there was the proposal for further extension of that Act Mr. G. S. Dutt, in opposing the Calcutta Rent Act (Amendment) Bill introduced by Dr. Moreno, said that Government came to the conclusion that the abnormal situation which existed in 1920 did not exist at that time.

Thus, it appears that in 1924 the Government after having made proper inquiry into the matter, came to the conclusion that the Calcutta Rent Act was not necessary. I know as a matter of fact that the Calcutta Rent Act does not apply to godowns and for that reason the rent of godowns went up. And what is the result—large number of godowns is now lying vacant and the rent has come down to less than 50 per cent. than it was about two years ago. Similarly, dwelling houses in Calcutta remain vacant and the rent has come down not by 10 per cent. or 15 per cent. but in a majority of cases more than 25 per cent. If that be the case, where is the necessity for the amendment of this Act as suggested by Dr. Moreno? If it is desirable to have the restriction in rent by the proposed legislation, then why not restrict the prices of rice and other necessaries of life? I am personally opposed to any artificial control as suggested by Dr. Moreno. I am strongly of opinion that it is a question of the law of supply and demand which controls the market. I again emphasize, Sir, that artificial treatment of the situation will do a great injury to the interests not only of the landlords but also of the tenants. In these circumstances and the facts as I have just stated the House will agree with me that the amendment of the Calcutta Rent Act or rather the Act itself is not at all necessary.

Mr. J. CAMPBELL FORRESTER: May I ask the hon'ble member who spoke last whether he could give any practical instances where the rent has been reduced to 50 per cent. of the pre-war charge?

Babu AMULYA DHONE ADDY: Yes, I can give you instances.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: I do not want to make any statement at this stage.

The motion that the Calcutta Rent (Amendment No. II) Bill, 1925, be circulated for the purpose of eliciting opinion thereon by the 15th January, 1926, being put, Dr. H. W. B. Moreno said: "Have I not my right of reply, Sir?"

Mr. PRESIDENT: Certainly you have, but you ought to have got up in your seat and tried to catch my eye.

The motion was put and agreed to.

The Bengal Local Self-Government (Amendment) Bill, 1925.

The following motion was called but not moved:—

Babu TARAKNATH MUKERJEA to move for leave to introduce a Bill further to amend the Bengal Local Self-Government Act of 1885.

The Bengal Fish Fry Preservation Bill, 1925.

SHAH SYED EMDADUL HAQ moved for leave to introduce a Bill for the preservation of certain kinds of fish fry in Bengal. He spoke in Bengali. The English translation of which is as follows:—

I beg to move this motion for the introduction of my Bill referring to the preservation of fish fry. It is well-known that fish which is a staple food of the people of Bengal is becoming more and more dear every day and in some parts of the country it is unavailable. Rivers, ponds and *bils* are drying up and unless steps are taken to preserve the fry, fish may become unavailable in the whole of the country. I hope the House will agree with me in this matter and my motion will be carried. I do not propose to put a stop to the catching of the fry but my object is simply to prohibit it for three months, Baisakh, Jaista and Ashar, when the fry grow, just as the killing of fowls is prohibited during their breeding season.

The motion that leave be given to introduce a Bill for the preservation of certain kinds of fish fry in Bill, was then put and agreed to.

The Secretary then read the short title of the Bill.

The Bengal Cattle Bill, 1925.

Dr. H. W. B. MORENO: I beg to move for leave to introduce a Bill to provide for the protection of cattle in Bengal.

Mr. PRESIDENT: Does anybody object to the introduction of the Bill.

SHAH SYED EMDADUL HAQ objected to the introduction of the Bill.

Dr. H. W. B. MORENO: I regret that it is not possible at this stage for the members of this House to have a copy of this Bill, otherwise they would have seen that the provisions of this Bill are not likely to be in any way harmful to any sect or community. All that the Bill does is to provide for the protection of cattle set apart and consecrated on ceremonious occasions which have been declared *res nullius* by a judgment of the Calcutta High Court as it also provides for ways and means for District Boards and other public bodies to have breeding farms in order to improve the breed of cattle in Bengal. It is not very long ago when the Government admitted in answer to a question put in this House that the supply of milk was diminishing in Bengal and that there was certainly room for improvement in the breed of cattle in the province. In view of the statement made in answer to

that question I hope there will be very little opposition from the Government or for the matter of that from anybody in this House to a useful Bill like this which will enable public bodies to have properly laid out breeding farms and the means whereby to maintain these farms. I do not wish to say much more at this stage of the debate, because after all members of the Council will have further opportunity of examining the provisions of the Bill later on when the Bill is circulated to them. I, therefore, ask for leave for the formal introduction of the Bill.

The motion that leave be given to introduce a Bill to provide for the protection of cattle was then put and agreed to.

The Secretary then read the short title of the Bill.

The Bengal Village Self-Government (Amendment) Bill, 1925.

SHAH SYED EMDADUL HAQ moved for leave to introduce a Bill to amend the Bengal Village Self-Government Act, 1919.

Mr. PRESIDENT: Does anybody object to the introduction of the Bill?

Babu AMULYA DHONE ADDY: Yes, Sir, I object.

SHAH SYED EMDADUL HAQ then delivered a speech in Bengali in support of his motion. The English translation of which is as follows:—

I beg to move this motion for the introduction of the Village Local Self-Government Bill. My Bill proposes to amend the Village Local Self-Government Act. Some of the clauses of which have become obsolete and are quite insufficient to meet the requirements of the times. I shall mention only the most important of the points in which a further extension of rights has become necessary. The District Magistrate still nominates members to the District Board. This power of nomination should be transferred to the Board itself. The power exercised by the District Magistrate with regard to the chaukidari tax should be transferred to the District Board and a few other powers also retained by the District Magistrate should be transferred to the District Board.

When this Bill was introduced in a previous session of the Council, some of the Muslim members said that it was advisable that the District Magistrate should retain some of these powers in this matter. I propose to transfer these powers to the District Board, for I do not think that there is any cause for apprehension that the communal

question will make any difficulty in this matter. I have further proposed that the present area of the Union Boards should be extended and that the powers of the District Board in this matter should be widened and made explicit.

This Bill, in addition to transferring to the Union Board all the powers hitherto exercised by the District Magistrate in regard to the appointment and dismissal of the chaukidars and the chaukidari tax, introduces some new features on the formation of an Advisory Board in each thana in order to decide disputes arising in the Union Boards, and on the eradication of the water-hyacinth, proposes some measures for the preservation of the pasture land in Bengal and provides for the relief of the poor village people in respect of fines for non-payment of the chaukidari tax. I have further proposed to give help to the Union Boards in establishing *hakimi* and *kaviraji* dispensaries on small scales and to authorize them to impose small taxes on the zamindars even when they have no holding under a Union Board.

In short, I propose to give to the tax-payers full power in the matter of Village Local Self-Government and I hope that the House will give me leave to introduce this Bill.

The motion that leave be given to introduce a Bill to amend the Bengal Village Self-Government Act, 1919, was then put and agreed to.

The Secretary then read the short title of the Bill.

The Calcutta Improvement (Amendment) Bill, 1925.

Dr. PRAMATHANATH BANERJEA: I beg to move for leave to introduce a Bill further to amend the Calcutta Improvement Act, 1919.

Mr. PRESIDENT: Does anybody object to the leave being given?

Babu AMULYA DHONE ADDY: I object.

Dr. PRAMATHANATH BANERJEA: The Calcutta Improvement Trust Act was passed in 1911. It is the general feeling that the objects of the Act have not been carried out with due regard to the needs and circumstances of the inhabitants of Calcutta. The activities of the Trust have been chiefly of a destructive character, resulting in considerable hardships upon the residents and a great shortage in housing accommodation. The operations of the Improvement Trust have thus seriously affected the poorer sections of the community. The failure of the Trust to conduct its operations in a satisfactory manner has been due, in the main, to the fact that the Trust Board, as at present constituted, is not sufficiently in touch with the wishes of the people of

the city. It is, therefore, proposed in this Bill to amend the constitution of the Board of Trustees so as to make this body more popular than at present.

It is a very short Bill consisting of only two sections, and its main provision is that out of 5 members now nominated by Government, 3 members will be elected by the elected representatives of this Council. I hope, Sir, that the Bill will commend itself to the acceptance of the members of the Council.

Babu AMULYA DHONE ADDY: I withdraw my objection; on the contrary I support it.

The motion that leave be given to introduce a Bill further to amend the Calcutta Improvement Act, 1919, was then put and agreed to.

The Secretary then read the short title of the Bill.

The Calcutta Domestic Servants' Registration Bill, 1925.

Dr. H. W. B. MORENO: I beg to move for leave to introduce a Bill to provide for the registration of domestic servants in Calcutta.

Mr. PRESIDENT: Does anybody object to leave being given?

Mr. A. C. BANERJEA: I object.

Dr. H. W. B. MORENO: This Bill is not yet in the hands of the members of the House, they will have ample opportunity of understanding its provisions later on when it comes up for discussion after they have perused its contents. Meanwhile, I might say that the Bill is confined within the municipal limits of Calcutta and that registration is made entirely voluntary on the part of servants.

What usually happens in Calcutta and especially in poorer homes, in the homes of the *bhadralog* class who are not very affluently situated and in the homes of Anglo-Indians is that servants are generally employed of a nondescript type and of a very questionable character. Such servants enter service with all sorts of "chits" which are not easily identifiable, with the result that they enter such homes with impunity, soon they purloin all sorts of things and even steal money when given the opportunity. The result is that when such a servant leaves it is impossible to get any trace of his whereabouts and the result is that homes are at the mercy of such servants who commit all sorts of depredations on them.

Registration as provided in the Bill is entirely voluntary, it will afford protection to the good servant who enters a home by this voluntary system of registration and it will afford protection to the master

as well. It will afford protection to the servant because, if at any time, he is dismissed for wrongful reasons and his legitimate salary is withheld, he will have the advantage of presenting his registration book in a court of justice, he will thus be able to receive the salary on which he was appointed for the period for which he was engaged and for which it is due. This will be a thing that will result in benefit to the servant himself. For the master, as I said before, there is this advantage that if he employs a registered servant, that is, a servant who submits to this system of voluntary registration, he is sure of the man who is working under him. If he employs a servant who is not on the registered book, the risk will rest entirely on his shoulders. In Ceylon and the Malay States such a system of registration of domestic servants is carried out, and in certain cantonments in India the system of registration which is very much on the lines on which the present Bill has been framed is in vogue and is of very great service to the people living in these areas. There is not the least doubt that the Bill will be helpful not only to the master but to the servant as well. If there are provisions for the registration of chauffeurs, hackney-carriage drivers and of rickshaw pullers, I see no reason why a useful Bill of this kind, which will afford great protection to both parties, is limited to the municipal limits of Calcutta only and is entirely based on the voluntary system of registration should be objected to. Later on there will be ample opportunity for members to discuss and even to revise the provisions of the Bill when it comes up for actual consideration. With these remarks I formally move for leave to introduce the Bill.

Mr. A. C. BANERJEE: Having regard to the fact that registration will be voluntary I do not wish to oppose the introduction of the Bill, but I want to know——

Mr. PRESIDENT: I will not permit any further discussion since you now say you do not object to the Bill.

The motion that leave be given to introduce a Bill to provide for the registration of domestic servants in Calcutta was then put and agreed to.

The Secretary then read the short title of the Bill.

Mr. PRESIDENT: The following item has been put in by mistake. As the Bill requires the previous sanction of the Governor-General which has not yet been obtained, I pass it over:—

SHAH SYED EMDADUL HAQ to move for leave to introduce a Bill for the prevention of brothels and immoral traffic in fairs.

The Bengal Village Self-Government (Amendment) Bills, 1925.

Babu HEMANTA KUMAR SARKAR: I beg to move for leave to introduce a Bill to amend the Bengal Village Self-Government Act, 1919.

The motion was put and agreed to.

The Secretary then read the short title of the Bill.

Maulvi SAYEDUL HOQUE: I beg to move for leave to introduce a Bill to amend the Bengal Village Self-Government Act, 1919.

The motion was put and agreed to.

The Secretary then read the short title of the Bill.

Maulvi SAYEDUL HOQUE: I move that the said Bill be taken into consideration.

Maulvi EKRAMUL HUQ: I object to the Bill being taken into consideration. In this connection I refer to the provision of section 51 of the Bengal Legislative Council Manual which says that a Bill for the purpose of being taken into consideration at a sitting of the Legislative Council must be made available for the use of members. I beg to say that this section has not been complied with in the present case.

Mr. PRESIDENT: In that case the motion is out of order.

Resolutions

(on matters of general public interest).

Religious and Charitable Endowments in Bengal.

Maulvi ZANNOOR AHMED: I beg to move that this Council recommends to the Government that a committee consisting of nine members, of whom six at least must be non-officials, be forthwith appointed—

(*i*) to inquire into and to report as early as possible on the present conditions of religious and charitable endowments in Bengal: and

(*ii*) to suggest measures for the purpose of safeguarding the objects of the trust and the interest of the public therein.

This Council passed a resolution recommending to the Government that the provisions of the Mussalman Wakf Act, 1923, be extended to this province. But no action has yet been taken. There is misapprehension that it may bring about extinction of small wakf properties. To

bring a suit under section 92, Civil Procedure Code, is also troublesome. Any interference by the Government will be seriously misconstrued. There must be an inquiry into the present state of things. That inquiry must be conducted by a committee which should consist mainly of non-official members. The committee which I propose if appointed will be able to collect materials to enable the legislature to pass suitable legislation and to modify the present Act. The committee will also consider whether the present provisions of law serve the purposes of proper control of religious and charitable institutions. It involves questions of fact and, I believe, unless materials are collected, the Select Committee on the Bills, if introduced, will not serve the purpose well and even if they are enabled to serve the purpose, inordinate delay will be the result. Maladministration of public funds for the purpose of the furtherance of charitable and religious institutions in an essentially religious country like that of ours cannot be patiently tolerated and any attempt to place these institutions on a proper and popular basis is welcome in our country. Before I conclude my speech I quote the observations of an eminent Judge of the Madras High Court which appears in a book of Ganapathi Iyer:

> High authorities connected with the Government as well as Judges have had to remark upon the wholly unsatisfactory condition of charitable institutions in India both Hindu and Muhammadan and the inadequacy of the existing laws to afford sufficient protection against the evils of dishonest or inefficient administration. Disinterested public opinion of India has also expressed itself in clear and growingly emphatic terms on the need for the legislature. In England comprehensive and searching inquiries were conducted into the condition of these institutions through highly responsible committees and commissions resulting in a succession of legislative enactments. It was not until such methods were adopted that the administration of public charities was purged of the manifold abuses which prevailed in England similar to those in this country. At present neither the Government nor the public have sufficient information about the numerous charitable foundations of India, which must be of immense value. The first thing necessary is that the facts regarding them should be authoritatively ascertained.

These are the observations of Sir Abd-ur-Rahim, senior Member of the Executive Council. I hope that before he lays down the reins of his office amidst our regret he will do something towards the solution of this matter.

[At this stage the Council was adjourned for 15 minutes.]

(After the adjournment.)

Babu DEBI PROSAD KHAITAN: I rise to support the resolution that has been moved by my friend, Maulvi Zannoor Ahmed. There can be no doubt that the conditions of mismanagement that exist in a large number of public trusts do call for an inquiry at as early a

date as possible and that suitable provisions should be made in order that acts of mismanagement may be made impossible. In saying so, I do not mean to convey the impression that with respect to all charitable religious trusts acts of mismanagement are to be found, but at the same time it cannot be gainsaid that there is a large number of public trusts in respect of which serious mismanagement prevails, not only in respect of temples and other religious trusts, but also in respect of other kinds of public trusts, for example, hospitals, schools, orphanages and all other kinds of public trusts. It is the duty of Government to look after the proper management of these institutions. There was a time after the year 1810, when the management and control of religious trusts were vested in the Board of Revenue. It was only after a quarter of a century after that regulation that the control of religious trusts was taken away from the Board of Revenue and was vested in committees. Sir, I am not aware whether any such committees exist or not: but so far as the public know, such committees do not at present exist. Section 92 of the Code of Civil Procedure which lays down the conditions and circumstances under which suits can be instituted, contains a procedure which is very dilatory and at the same time it is a procedure under which it is not possible for a member of the public to institute suits which are very costly of management, and, under the provisions of the Evidence Act, it is very difficult to prove the allegations which can justly be made against the perpetraters of mismanagement. Under the Act of 1920, the Religious and Public Trusts Act, an inquiry can be made about the publication of accounts, but it is an Act which has not been utilized and which is not sufficient to bring to book these trustees who are carrying on mismanagement. There is no doubt that vested interests will take amiss this resolution, if it is passed—but it is not simply the vested interests which this Council has got to look after—it is the general public who contribute towards the endowment of public trusts—it is the general public for whose benefit the public trusts are created and are supposed to be maintained—it is the general public who ought to derive benefit in a proper form these trusts—whose interests ought to be safeguarded—and it is necessary that a certain inquiry should be made as regards the condition of religious and charitable endowments in Bengal. Madras has already led the way in legislation of this character: they have got the Religious and Public Trusts Act which they are administering. Bengal should follow suit, and it is desirable that after suitable consideration, some legislation should be introduced which can properly deal with the matter. Sir, if it is said that the appointment of a committee of this character will not have sufficient powers to go into the acts of internal mismanagement, and to inquire into what properties a charitable institution consists of, I think, Sir, it is not necessary to do so now. All that is necessary is to carry on a public inquiry which will show what grievances the public have against public trusts and

public institutions. If it appears that the public have a real and solid grievance in regard to management of public institutions, it is high time that suitable legislation should be brought forward in order to deal with them, in order that it may be made impossible for the trustees to misappropriate the funds of public institutions, to utilise properties in a way which is not intended for the purpose for which the trust was created. I hope, Sir, that there will be no voice dissentient to this resolution and that a committee of this nature will be welcomed by this House.

Babu JOGINDRA CHANDRA CHAKRAVARTI: I regret I cannot support the resolution which has just been moved and I will put my reasons very briefly before the House. I do not see what practical purpose can be served by the Government appointing a committee consisting of non-official members for the purpose of inquiring into the question—the very large question—as to the proper and improper management of religious or charitable trusts. The first difficulty which strikes one with regard to the matter of this kind is to decide what is a public trust and what is not. My friend, Mr. Khaitan, in the course of a speech referred to section 92 of the Code of Civil Procedure which to my mind is quite sufficient for the purpose of meeting the object with which a resolution of this kind has been brought before the House. We all know that section 92 of the Code of Civil Procedure gives ample powers to Civil Courts to decide all questions regarding the misuse of trust funds, improper management of trust property, and all other matters, and, at the same time empowers the court to appoint, if necessary, a new trustee and to remove the present trustees, and also to settle a scheme of management; and this can be done if two or more persons get the sanction of the Advocate-General and institute a suit with a view to attain an object of this character. Well, we also know—and I shall ask, if anybody have any doubts, to refer to the various case laws on the point, that it is often a very difficult question to decide what is a public trust. There are shades of difference and these shades of difference can only be settled by the civil courts on evidence of a satisfactory character. I have no faith whatsoever—and I may say that plainly—that any good will be done by appointing a committee to inquire into the matter, or that the labours of that committee will be of any use whatsoever to the public Then, again, on the question of principle, in matters of religious endowments, from the Hindu religious point of view, I oppose any suggestion that these matters should be placed in the hands of a committee appointed by the Executive Government.

Babu AMULYA DHONE ADDY: I have much pleasure in supporting the resolution which has been moved by Maulvi Zannoor Ahmed. Sir, in Bengal there is a strong feeling that some legislation should be introduced to make provision for the control and management of

trust endowments in accordance with the wishes of such persons for whose benefit such trusts were created and for preventing the misuse and securing the proper use of the funds thereof. We have sad experience, Sir, in the case of Hindu temples. I know of a certain case in which a gentleman paid a sum of Rs. 1,000 for feeding the beggars and what the Shebayets did? Not even a hundred beggars were fed. Is it not a case of misappropriation of property? Is it not a case of breach of faith on the part of the Shebayets? I do not mean to say that all Shebayets are dishonest, but there are blacksheep amongst Shebayets and that is the reason why the Government or rather the Council should come to the rescue of the people and safeguard the interests of those who made contributions towards charitable and religious endowments. It may be said that the existing law is sufficient, but I beg to submit that it is not, and that was the reason why the late Hon'ble Mr. Bhupendra Nath Bose introduced such a Bill in the Indian Legislative Assembly and that is also the reason why the Muhammadan Wakf Bill was enacted into law by the Indian Legislative Assembly. We find, Sir, that in Madras such a law has been enacted. I find that the Madras Act I of 1925 was passed by the Madras Legislative Council and received the sanction of the Governor on the 7th April, 1924, and that of His Excellency the Viceroy and Governor-General on the 29th December, 1924. I have gone through the provisions of this Act and I find that they are most salutary. Under these circumstances it is most desirable that a committee should be appointed to inquire into the present state of things and to make suggestions so that this Council may be in a position to legislate. I beg to take this opportunity of bringing to the notice of this Council one fact. In a certain temple the poor are not allowed to enter and offer their worship unless they pay a certain sum and exorbitant sums of money are extorted from the pilgrims and as a matter of fact in certain cases the right of collecting fees sold by public auction instead of being utilized for repairing the buildings or making any contribution for the feeding of the poor. These are my reasons for supporting this resolution.

Sir, I take this opportunity of making the suggestion that the mover of the resolution Mr. Khaitan should be a member of this committee, to represent the Marwari community. We all know the Marwaris are very charitable and they make substantial contributions to these trust funds. I therefore think it desirable that a representative of the Marwari community and especially my friend Mr. Khaitan who has studied this question thoroughly should be a member of this committee.

Maulvi MD. NURUL HUQ CHAUDHURY: I do not move the amendment which stands in my name to this resolution as I understand the mover of the resolution wishes to withdraw his motion.

Babu AMULYA DHONE ADDY: I object to the withdrawal.

Mr. PRESIDENT: It is the business of the mover to say whether he withdraws his motion, and when he asks for the leave of the Council to his withdrawal, you can object to leave being granted.

The following amendment was not moved:—

Maulvi MD. NURUL HUQ CHAUDHURY to move, by way of amendment, that in the motion of Maulvi Zannoor Ahmed—

(*i*) lines 2 and 3, for the words "nine members, of whom six at least must be non-officials" the following be substituted, namely:—

"the following members, five to form a quorum"; and

(*ii*) the following be added at the end, namely:—

(*1*) The Hon'ble Maharaja Kshaunish Chandra Ray Bahadur of Nadia;

(*2*) Mr. H. C. Liddell;

(*3*) Maulvi Zannoor Ahmed;

(*4*) Mr. Kiran Sankar Roy;

(*5*) Maulvi Basar Mahammad;

(*6*) Babu Abanish Chandra Ray;

(*7*) Babu Manmohon Neogi;

(*8*) Babu Jogindra Chandra Chakravarti;

(*9*) Maulvi Kader Baksh; and

(*10*) Maulvi Md. Nurul Huq Chaudhury.

The Hon'ble Sir ABD-UR-RAHIM: The resolution before the Council refers to a subject of considerable importance but the Government is not in a position to support it or to accept it though the object is a laudable one. The idea underlying the resolution is that the public, charitable and religious endowments are not at present—at least some of them—are not properly managed and applied to the purposes indicated by the endowments. I shall assume for the moment that there is a case for an inquiry but the real question that arises upon this resolution is whether the committee such as is proposed will be able to conduct the inquiry with any practical and beneficial results. A committee like this unless it is formed by an Act will

not be able to do much good. The committee will not be able to summon witnesses or call for documents and title-deeds and elicit information relating to these endowments. I do not know if the hon'ble mover of this resolution is aware that a committee was appointed some time back to inquire into some of these endowments. The largest endowment that the committee had to deal with was the Mohsin Fund which was under the control of the Government and the Government was in a position to supply the facts relating to that Trust. That committee made some suggestions regarding this endowment but as regards the general position with respect to endowed properties they pointed out that they had no power to investigate them and without that power they could do very little. Unless certain powers are given to this committee for obtaining information it is not likely to be helped by the trustees of these very endowments whose conduct is to be inquired into. It is not to be supposed that if these endowments are not properly managed the trustees will come forward voluntarily to help the committee to look into their affairs. I am sure we will not get any information whatever from them. On these grounds I say that an inquiry will be infructuous. Besides as has been pointed out by Babu Jogindra Chandra Chakravarti it will not by any means be an easy matter. On the contrary the position bristles with difficulties and I think that the mover would be well advised to withdraw his resolution. I understand from him that he is very anxious to have information on behalf of the Muhammadan public as regards the state of Muhammadan charitable trusts. A resolution was passed in the Council the other day and the Government is considering that question and we shall be able to pass orders soon. I think that will satisfy the Muhammadan members of the Council who are especially interested in the proper management of Muhammadan endowment and charitable funds. I do not therefore think that the members of the House will advance the cause which the hon'ble mover has in view by passing the resolution.

The motion of Maulvi Zannoor Ahmed was then, by leave of the Council, withdrawn.

Mr. PRESIDENT: The following motions fall through on account of the decision come to by the Council to refer the Bengal Tenancy Amendment Bill to a Select Committee:—

Maulvi EKRAMUL HUQ: "This Council recommends to the Government that immediate steps be taken to introduce a Bill to amend the Tenancy Act so as to allow the tenants the right—

(i) to transfer occupancy holdings;

(ii) to cut down trees on holdings;

(iii) to dig wells and tanks;

(*iv*) to make pucca houses on the holdings;

(*v*) to use postal receipts obtained for money sent to zamindars by rent money-order as evidence of legal tender of rent without any formal proof thereof; and

(*vi*) to tender the amount of rent even before it falls due."

Maulvi RAJIB UDDIN TARAFDAR to move, by way of amendment, that to clause (*i*) of the above motion the following be added, namely:—

"subject to the payment of Rs. 2 per cent. of the sale price as *nazarana* of the zamindar."

Maulvi SHAH SYED EMDADUL HAQ: "This Council recommends to the Government that steps be taken to so amend the Bengal Tenancy Act as to safeguard the interest of tenants in the following ways:—

(*a*) that the tenants be allowed to excavate tanks, etc., and to construct mosques, temples and buildings on their raiyati holdings without any permission from the landlords;

(*b*) that the tenants be allowed to cut down trees on their holdings without any *nazarana* to land-owners;

(*c*) that the tenants be allowed to purchase and sell their rights freely like *kayemi* rights;

(*d*) that the lands of a tenant who holds less than 12 bighas be not liable to be attached and sold in execution of a money decree for arrears of rent;

(*e*) that the tenants be not liable to pay an enhancement of rent, on account of rise in the price of crops;

(*f*) that the under-raiyati rights be declared to have all the advantages of an occupancy raiyati right;

(*g*) that for arrears of rent no compensation more than the interest provided by law be allowed; and

(*h*) that the jotes of pargana Patildaha be declared inheritable."

Haji LAL MAHAMMED: "This Council recommends to the Government that steps be taken to give the occupancy raiyat the right—

(*i*) to cut down trees;

(*ii*) to construct buildings; and

(*iii*) to excavate tanks;

on his own lands."

SHAH SYED EMDADUL HAQ to move, by way of amendment, that in the above motion, line 2, after the word "raiyat" the words "and under-raiyat" be inserted.

Maulvi RAJIB UDDIN TARAFDAR: "This Council recommends to the Government that the right of the occupancy raiyats to cut down trees in their holdings, that has been taken away from them under section 23 of the Bengal Tenancy Act, 1885, be immediately restored to them, free from any restrictions, and that the proper modifications be made in the said section."

Maulvi EKRAMUL HUQ: May I rise to a point of order. So far as clause (*vi*) of my resolution is concerned, I think it involves a new principle which is not noticed in the amending Bill. As such I am entitled to move that portion of my resolution. But if the Hon'ble Member in charge——.

Mr. PRESIDENT: I cannot allow you to make a speech. Will you please state your point of order as briefly as possible?

Maulvi EKRAMUL HUQ: So far as clause (*vi*) of my resolution is concerned I beg to submit that it enunciates a new principle which is not to be found in the Bill introduced by the Hon'ble Member.

Mr. PRESIDENT: Order, order! It is open to you either in the Select Committee or in the Council, when the Bill comes under consideration, to move amendments. The Bill as introduced in Council appears to me to cover all the points mentioned in your resolution and so your motion along with the others are out of order.

Introduction of the system of election in District Boards.

Babu ROMES CHANDRA BACCHI: I move that this Council recommends to the Government that early steps be taken to introduce the system of election in all those District Boards of this province in which the system has not yet been introduced.

The subject-matter of this resolution is one I think of a non-controversial character for I think there are few members of the House who deny the right of election to the District Boards in which elective system has not yet been extended. So far as I am aware there are only two District Boards in which this system has not yet been introduced—I mean Malda and Jalpaiguri. I cannot understand why this right—I think it is the most elementary right of the people for the management of their own local affairs—has still been withheld from these two District Boards.

The situation is rather absurd for both these District Boards have got the right to send representatives to the Provincial Council, to the Legislative Assembly and to the Council of State but their right of control over the local affairs by their elected representatives is yet to be recognized. It passes my comprehension how Government can sleep over the matter and not extend the elective system to these two districts. It is hoped that Government will take early steps to remove this anamoly. I do hope that I shall have the support of the members of this House in the matter.

Mr. W. L. TRAVERS: I am entirely in favour of the principle which underlies this resolution. It is of course an anamoly that electors should have the right to elect a member of the Legislative Council while they at the same time are denied the right to elect their representatives to Local and District Boards. But, Sir, there are certain peculiarities in regard to the Districts of Jailpaiguri and Darjeeling which I should like to place before the House. Those districts are peculiar in Bengal in that they possess a very large and flourishing tea industry. These districts have many crores of capital invested in them and employ about 250 thousand labourers. I need not dilate in this Council upon the importance of the tea industry to the province and, indeed, to India itself but I would draw the attention of the House to the fact that local self-government is of the greatest importance to the industry. We are, for instance, striving to improve the health of our labour and with the health of the labour is associated the general health of the two districts of Darjeeling and Jailpaiguri; roads also are of paramount importance to the industry. We must have good roads to export our tea. The question, therefore, is if the elective system is applied to these District Boards, will there be any special arrangement made for the representation of tea industry? I have myself been a member of the Jailpaiguri District Board for over 10 years and I am quite sure that the Indian leaders whether they be members of the District Board or not will testify to the value of the work of the British planting members of the Jalpaiguri District Board. Our relation with our Indian comrades have always been most happy and we have striven together for the common good. I ask, therefore, Sir, whether it is possible for the Hon'ble Member who moves this resolution to append a clause something to this effect "having due regard to the adequate representation of the tea industry."

SHAH SYED EMDADUL HAQ moved by way of amendment that in the motion of Babu Romesh Chandra Bagchi, line 3, after the word "District" the words "and local" be inserted, and delivered a speech in Bengali in support of it.

The English translation of which is as follows:—

In supporting the original resolution I move this amendment that the Local Boards should also be taken in with the District Boards. If there

are elsewhere, the District Boards, there should be elections for the Local Boards also, where there are not any now. When it is proposed to increase the powers of the District Boards in Bengal by legislation, there is no reason why some of the Local Boards should be left out.

Khan Bahadur Maulvi MUSHARAF HOSSAIN: I have the honour to represent both Malda and Jalpaiguri about which this resolution is being moved. So I must speak a word or two so far as Jalpaiguri is concerned. I have nothing to say as regards Malda if the elective system is extended to that place. So far as Jalpaiguri is concerned the leading Muhammadans of that place are of opinion that unless the law is amended so as to secure the proper representation of minorities, the elective system should not be introduced there.

Babu KHAGENDRA NATH GANGULY: In supporting the resolution, I go on the immutable principle of representation by election and not by means of nomination. Any civilized country that boasts of its education and civilization cannot possibly do without the introduction of the system of election. In the words of the authors of the Montagu-Chelmsford Report on Indian Constitutional Reforms, I say that the inevitable result of education is the desire for self-determination; and the demand that now comes from the educated classes of India is no more than the right and natural outcome of the work of a hundred years. They further say:

> There can be no question of going back on or of withholding, the education and enlightenment in which we ourselves believe, and yet the more we pursue our present course without at the same time providing the opportunities for the satisfaction of the desires which it creates, the more unpopular and difficult must our present Government become and the worse must be the effect upon the mind of India.

The principle of self-determination is emphatically reiterated in another sentence of the Report:

> Indians must be enabled, in so far as they attain responsibility, to determine for themselves what they want done. The process will begin in local affairs which we have long since intended and promised to make over to them.

and they laid down their first formula as follows:

> There should be as far as possible complete popular control in local bodies and the largest possible independence for them of outside control.

Later on they say:

> Our intention is that substantial elected majorities should be conceded in boards of both kinds (meaning municipal and rural) and that the system of nomination should be retained only in order to secure the necessary representation of minorities, and the presence of a few officials as expert advisers without a vote.

Sir, these are beautiful principles and apparently honest intentions. Why then should those principles be deviated from, and why have those clear intentions of the authors of the present Reform Scheme not been carried *in toto*? Elective system is in vogue in every form of civilised governments of the world, and if after more than a century and a half of civilising process on the part of our rulers, there are still left many rural areas which are not considered fit to have the privilege of the elective principle, it certainly reflects no great credit on the methods of administration hitherto adopted.

Sir, may I not, therefore, appeal to the members of the House to allow the elementary principle of the system of election to the people of Malda and Jalpaiguri and such other District Boards where this system has not been introduced even now?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: I have myself been an elected Chairman of a District Board and I sympathize with Babu Romes Chandra Bagchi's desire to extend the elective system to all district boards of this province where it does exist. He is aware that in the last five years the Government of Bengal have taken measures for the extension of the elective system in consonance with the Government of India's Resolution of 1918 on Local Self-Government. There still, however remains two districts, *viz.*, Malda and Jalpaiguri, in which the elective system for district boards is not in force. As this House is well aware, the elected portion of the members of the district board is elected at meetings of the local boards in each district, and where local boards do not exist there is under the law as it stands at present no electorate for electing district boards. Now under section 6 of the Local Self-Government Act a local board can be established in any subdivision or in any two or more subdivisions combined, but that Act does not provide for the creation of local boards in the absence of subdivisions.

There were until 2 or 3 months ago no subdivisions in the Malda district, and only one, *viz.*, Alipur Duars, in the Jalpaiguri district. The Alipur Duars Subdivision has a local board which elects 3 out of 27 members of the Jalpaiguri District Board, but in the absence of other subdivisions in that district, it was necessary to nominate the remaining members of the board. There were no subdivisions in Malda and therefore no local boards and consequently all the members of the district board had to be nominated. Sadar Subdivisions have just recently been created in both these districts and we can now consider the question of forming local boards for these areas and so getting an elected element for the district boards. You might say that there is another way of creating local boards in districts which have no subdivisions.

It is true that the Village Self-Government Act has made some alteration in the law and section 6 of the Local Self-Government Act has been amended under Schedule I of the Village Self-Government Act so as to require a local board to be established in every district or part of a district in which the Village Self-Government Act is in force.

The Village Self-Government Act is being extended cautiously throughout Bengal; where we find that the people are sufficiently advanced and are desirous of having union boards, the Circle officers, whose posts have been sanctioned by this House are drawing up elaborate proposals for the division of districts into unions with a view to the formation of union boards. The Village Self-Government Act is then extended to such districts and it becomes necessary under the law even if subdivisions did not exist, to establish local boards in such districts.

Malda, however, is a somewhat backward district, and so far the Village Self-Government Act has not come into force into this part of Bengal. With the new Circle Officers, whose posts have been sanctioned by the Legislative Council, I hope that we shall be able to proceed more quickly in preparing the way for the introduction of this Act and the formation of union boards.

Similarly in Jalpaiguri if it is found practicable to establish union boards, we shall be in a position to create additional local boards which will then elect members to the district board.

It will thus appear that at present there are legal difficulties in giving effect to the wishes of the mover of this resolution—although the creation of Sadar Subdivisions for Malda and Jalpaiguri has removed these difficulties in respect of a portion of these districts.

We have placed Mr. Hart, an experienced officer on special duty, during the cold weather to advise Government as to the lines on which the Local Self-Government Act should be amended, and I can promise the mover of this resolution that his desire to secure the further extension of the elective system for district boards will be borne in mind when we consider the proposals made for the general amendment and consolidation of the law of local self-government.

I hope that with this assurance Babu Romes Chandra Bagchi may be willing to withdraw his resolution.

Babu ROMES CHANDRA BAGCHI: As regard the point raised by the Hon'ble Member in charge that Malda has got no subdivision and hence there are legal difficulties in extending the right of election to the Malda district board, I beg to point out that the district of Bogra has got no subdivision and yet it has got the elective system introduced in the district board. So I cannot understand why distinction should be made between Malda and Bogra where no difference lies between them.

The motion of Shah Syed Emdadul Haq that in the motion of Babu Romes Chandra Bagchi, line 3, after the word "District" the words "and Local" be inserted, was then put and agreed to.

The following motion was then put and agreed to:—

"This Council recommends to the Government that early steps be taken to introduce the system of election in all those district and local boards of this province in which the system has not yet been introduced."

Pollution of the River Hooghly.

Dr. BIDHAN CHANDRA ROY: I beg to move that this Council recommends to the Government that a committee consisting of the following members of the Council be formed to work in collaboration with two experts, *viz.*, Major Stewart, the Director of Public Health, Bengal, and Sir Nilratan Sarkar, for the purpose of ascertaining the cause of pollution of the River Hooghly, and to recommend measures, legislative or otherwise, to prevent pollution in future:—

Babu Surendra Nath Ray;

Dr. Pramathanath Banerjea;

Babu Khagendra Nath Ganguly;

Babu Boroda Prosad Dey;

Maulvi Wahed Hossain;

Rai Harendranath Chaudhuri;

Mr. A. C. Banerjee; and

Mover.

The question that I have the honour to bring before the House could be discussed, looked at from two points of view. As a matter of fact, the records show that in the previous meetings of the Council, before the Reforms Act, in the years 1918 and 1919, two resolutions were brought before this House by the Hon'ble Rai Mahendra Chandra Mitra Bahadur, in one of which he took up the question from the sanitary standpoint and in the other from the religious. It is obvious that both these standpoints have to be considered in a question of this character but for the present moment I shall confine myself to the sanitary aspect of the matter. It is a painful experience for a person who has got to go about the different parts of Calcutta to see the effect that is being produced on the people of a place which was at one time the metropolis of India—I mean the town of Calcutta—suffering from year to year and more and more from the effects of drinking—what I

might call polluted water of the River Hooghly. And I shall bring forth evidence to show that what I have said is correct. The history of the inquiry into the cause and effect of the pollution of the River Hooghly dates back to the year 1904 when a Special Committee was appointed, particularly as the growth of an increasing number of jute mills on either side of the Hooghly—I am reading from the resume of that report—led to an increasing number of septic tank installations and an increasing number of latrines being erected practically every month, and it was alleged that the effluent from these tanks led to the pollution of the river. The committee reported in December of the same year. The question of land treatment of the sewage and land filtration treatment of the effluents was not considered feasible by this committee and an expert was requisitioned for by the Bengal Government from England and Dr. Fowler was sent by the Royal Commission on Sewage Disposal. This Dr. Fowler and Captain Clemesha, the then Sanitary Commissioner of Bengal, as his associate in this inquiry, and I shall quote a few sentences from this report which I have before me now to show the opinion that Dr. Fowler and Captain Clemesha held in the matter. Captain Clemesha said—he took up the bacteriological part of the question: "I consider that there is no doubt whatever that there is a zone of pollution down the banks of the Hooghly, varying from 30 to 100 yards wide and varying in intensity according to the amount of the sewage put into the river and the dilution it has undergone."

He goes on to say "now it has been maintained by some people that the volume of water in the Hooghly is so huge that the small quantity of sewage that is put in by the towns on its banks cannot be recognised nor does it pollute the river sufficiently to impair health. We have a sample of water taken in a strong current a good way from the bank, a long way from any single mill outfall, with every condition favourable for rapid dilution and yet considerable contamination can be demonstrated." The intake of Calcutta water at Pulta is several miles from the nearest mill and a contamination in the immediate neighbourhood does not occur yet the Pulta water was found to be greatly contaminated.

"Now of all the pollutions," says Captain Clemesha, "that rivers are subject to, by far the most serious is the addition of sewage, specially in a country like India where unfiltered river water taken very near the edge, is the drinking water of thousands." I may incidentally mention, what is probably in the knowledge of most of the Indian members here, that there are yet a large number of devout Hindus who will not drink any water except that taken from the river itself. They will not use the ordinary tap water. "There can be no manner of doubt," says Captain Clemesha, "that the admission of comparatively small quantities of septic tank effluent will increase the number of pathogenic germs present and as such will be a menace to health.

Septic tank effluents of the very best quality in this country will give positive reaction for *coli* in a dilution of 1 in 10,000 and for *sporogenes* 1 in 1,000." Captain Clemesha continues: "It is not to be supposed that the whole of the fæcal pollution along the banks of the river is due to the mills as the people living along the banks themselves are to blame to a considerable extent, but it must be remembered that 15,000 gallons of septic tank effluent (from one mill) contains the fæcal contamination of 4,000 people, working in the mill."

This report inquired into and made suggestions for the use of special forms of filter contact beds with the details of which I need not trouble the House, because they are of too technical a nature. Suggestions have been made regarding the use of the effluent for boilers or as flush water for latrines thereby minimizing the amount of dicharge finally into the river. The question of discharging the effluent into midstream is also inquired into and discussed.

This admirable report also discussed various other methods of disposal of the effluent, for instance, by intermittent filtration over land or by broad irrigation which has been carried out in other countries. Suggestions were also made for the establishment of a laboratory to test samples from latrines tanks and give advice. This was in 1906. The question is what has been done from that day till to-day and what is the result? In accordance to the Fowler Report, a Public Health Laboratory was established and a highly paid officer was kept in charge, an Inspector of Nuisance, or whatever name be given to him, was also appointed to look into these septic tank latrines; additions were made to the Factory Rules. From the wording of these rules it is clear that the effluent from septic tank latrine installations shall not be discharged into any river unless it is free from fæcal contamination and unless it has been sterilized by the addition of 5 grains of chlorimated lime to one gallon of effluent. So far as we can gather from the evidence of outside witnesses as well as the evidence of the Director of Public Health himself, the septic tank effluents as discharged into Hooghly to-day, are very badly contaminated. In the year 1922-23 the Calcutta Corporation had its own analyst sent over to examine the effluent from the different septic tank latrines as well as to examine bacteriologically and chemically the river water both from the bank of the river as well as from the midstream. During the examination the water from the midsteam was found to be more contaminated by the Corporation Analyst than was found to be the case by Dr. Fowler in 1906, but it was purer than the water from the bathing ghats or from the various khals into which the effluent was allowed to flow. In this connection it would be interesting to note that this gentleman further tested the water from the Khurda khal, Tittagarh khal and also from

Ichapur khal, and found that the water of the Khurda and Tittagarh khals into which the effluent from the septic tank latrines was allowed to run was highly contaminated but the water of the Ichapur khal which receives no effluent from any tank was decidedly superior. The report of the Analyst of the Corporation in the year 1923 was worse than the report of August, 1922. I have got both the reports in my hand now. Another examination was made by him in the middle of 1923 which gave similar results.

The committee I propose will take step to get an outside analyst to examine the septic tank effluents in addition to the examinations now being held by the Public Health Department. My reason for suggesting this is that in the year 1923 when, as I have said, the Corporation Analyst examined the septic tank effluents he found that 33 per cent. of the effluents contained fæcal contamination to the extent of 1 million bacilli per C.C. whereas the Public Health report says that the total number of effluents found contaminated amounted to 10 per cent. of the total number examined. Therefore, there is a certain amount of variation in the statement made by the two departments. In this connection, Sir, I may be permitted to bring before the House what other countries have done when faced with a similar situation. In Tillman's book on Water Purification and Sewage Disposal I find that

> The vast increase of large towns and the unexpected progress of industry led to the most serious nuisance in the disposal of sewage into rivers. Many large towns are dependent on river water. The filter cannot remove dissolved filth nor can it sterilize water.

Even if the water is not used for drinking purposes infection may occur from washing utensils and bathing in water so contaminated such as was the case when an epidemic of cholera broke out being caused by such practices being followed in Constantinople. When this matter was brought to the notice of the Health authorities in the year 1842, the Law Commissioners in England reported that an outfall should be constructed to remove the sewage of cities where it could be disposed of without polluting the streams. This recommendation fell on deaf ears as probably it might fall on deaf ears here to-day. The sewers which were built long ago discharged into the river; so the Public Health Act was passed in 1848 but it had little effect. The Nuisance Removal Act of 1858 was then passed at the close of a severe epidemic that was raging at that time. A Commission appointed in 1865 gave certain indications in their report as to how the latrines ought to be constructed and so on and although powers were given to a central body to compel the local authorities to construct and maintain sewers nothing happened till 1872 when an Act was passed which facilitated the combination of local authorities for joint sewerage works and divided the country into urban and rural

sanitary districts. Finally in 1875 all these Acts were replaced by the Public Health Act which is the present general law for sewage disposal in England and Wales. This Act of 1875 was reinforced by the River Pollution Prevention Act of 1876 and 1893 making it an offence for any person to discharge or permit to be discharged into any stream any solid or liquid sewage matter. The Local Government Act of 1888 specially authorized the County Councils to enforce the River Pollution Prevention Act of 1876 and the extremely offensive conditions in certain river basins were met by Acts forming local boards to deal summarily with these problems.

Therefore, the proposal that I am putting forward before the Council to-day is not merely to inquire as to whether there is pollution of the river Hooghly but also to find out the extent of this pollution, to find out who are responsible for this pollution, to find out whether the new rules under the Factories Act are being enforced and carried out as they should be. It is also to find out whether the other suggestions of the Fowler Committee have been carried out and if not who are responsible for it. It is not only on the destructive side, if I may put it that way, of the inquiry that I am putting stress on, but I am asking the Council to give support to this proposal because the committee will have to suggest, in case it is found with reference to any particular septic tank installation that the discharge from it into the river cannot be avoided, whether the effluent from the latrines could be made to run into the river in such a way as not to contaminate the water-supply or whether there is any other method in which the effluent can be disposed of; for instance, whether the effluent after proper treatment cannot be diverted into tanks to flush out the latrines so that it should not get into the river at all. But I would go further and it is a broader question—whether the effluent could, in the case of certain installations be taken away from the river towards the land side and be treated by either filtration or irrigation method. Further, there has been a question raised, not only in the Calcutta Corporation but also among the public as to the danger which the people are running to-day with regard to the silting up of the Bidhyadhari. I have seen the records of the doings of that river 40 or 50 years ago which said that the river bed extended up to Kanchrapara and the difference in the height between the ebb and flow tides at Kanchrapara used to be 8 feet showing that at that time it was a live river.

[At this stage the Hon'ble the President left the Chamber and Babu Jatindra Nath Basu took the Chair.]

It used to drain the water of the Salt Lake area and of low lands round about it. The question is whether there is any possibility of diverting the effluent of these septic tanks latrines and also the municipal drains into a canal, or drains artificially created, so that all the

rater may run into the Bidyadhari and keep it alive. That is the uestion which must be decided by the committee. It is a well-known act—I will not refer to the fact as one of cause and effect—that owing to he silting up of the Bidyadhari, the places which I have the honour represent in this Council like Halisahar and other municipalities in iat area, which were more or less very healthy 50 years ago, are now ractically depopulated on account of the malarial infection in these eas. The question is whether along with suggestions for the removal f pollution from the river any constructive suggestion can be made develop these areas, as well as to find an outlet for the effluent of iese latrines. Although for my present purposes I have referred to the ptic tank installations only but one cannot forget the fact that in the ear future, Calcutta is going to be developed and very likely will evelop more towards the north than towards the south. When that evelopment takes place these municipalities will have a huge problem efore them in order to find an outlet for the disposing of their sewage. s a matter of fact two of the municipalities—Titagarh and Naihati—e at the present moment discussing the matter of the disposal of that wage. Therefore, this question has to be taken from the particular andpoint as to how to meet the necessity which is before us, as soon these municipalities develop, as they are bound to. Finally, it may within the province of this committee to say whether it is necessary introduce in Bengal a River Pollution Act similar to that prevailing England and America, which would probably create local bodies or cal boards which would see that the effluents which run into the river e kept as sterile as possible. With these words, Sir, I beg to put my otion before the House for its acceptance. Before finishing, however, would like to mention with regard to the personnel of the committee, propose Babu Surendra Nath Ray, as he is a chairman of the suburban unicipality on the river, Babu Khagendra Nath Ganguly comes from owrah, representing the areas on the other side of the river, so does ibu Boroda Prosad Dey. Maulvi Wahed Hossain is my Moslem lleague in the Council representing municipalities north of Calcutta. i Harendranath Chaudhuri has unique opportunities of learning the ndition of the river because he lives on the riverside. Mr. Benerjee s dealt with this question both in the Calcutta Corporation and in ier places, and I therefore suggest his name. Dr. Pramathanath nerjea represents a Calcutta constituency but he has definite ideas the subject and I have therefore put down his name.

Mr. G. MORGAN: I beg to move, by way of amendment, that in e motion of Dr. Bidhan Chandra Roy, after the name Mr. A. C. nerjee, the name Mr. R. N. Band be inserted.

He will represent the Commercial Community on the committee.

Maulvi MD. NURUL HUQ CHAUDHURY: I beg to move, by way of amendment, that in the motion of Dr. Bidhan Chandra Roy the following names be inserted after the name Mr. A. C. Banerjee, namely—

Maulvi Abdur Raschid Khan.

Maulvi Basar Mahammad.

Maulvi Najmuddin Ahmed.

The reason for the inclusion of these names is that the first named gentleman is the Deputy Executive Officer of the Calcutta Corporation, and he was at one time the Vice-Chairman of the Noakhali Municipality, and Noakhali is bordered by rivers. Maulvi Najmuddin Ahmed is a representative of Hooghly and Howrah Rural Areas, and these areas are much concerned with this resolution. Maulvi Basar Mahammad comes from a district where he is the member of the municipality, and it may be of interest to the member of a mufassal municipality to have a voice in a matter like this, so that he may have some ideas of improving his own municipality.

SHAH SYED EMDADUL HAQ moved by way of amendment, that in the motion of Dr. Bidhan Chandra Roy, last two lines, for the words "and Mover" the following be substituted, namely—

Babu Hemanta Kumar Sarkar;

Maulvi Ekramul Huq; and the Mover.

He spoke in Bengali. The mover said that he had obtained the consent of the gentlemen whose names he had proposed, but that he was not very keen on having his name inserted.

Babu BORDDA PROSAD DEY: After the most informed speech of the mover of this resolution, if I stand to take up the time of this Council, it is because I happen to represent the municipalities in the Hooghly District, which are almost all, except one, interested in this motion. It is not unknown to the members of this Council that there are a very large number of mills situated on both sides of the River Hooghly, and it is also known that the feeling in regard to this matter of the pollution of the river in the aforesaid areas is indeed very keen, I may say, almost indignant. Well, it is wholly, or perhaps mainly that the effluents from the septic tanks that are responsible for this condition of the River Hooghly. There are also other discharges from these mills which also affect the condition of the river water. It must be said that we, representing the public, are not at all inimically disposed towards these mills. They are really ornaments to our respective municipalities, they have done a great deal to bring food to many mouths. So it is not exactly in a spirit of enmity that we feel interested in this question; but it is undeniable that the condition of the river

water is such that people cannot really use it for drinking or culinary purposes. The question of sanitation is very closely connected with this question. There is also the question of religious feeling involved in it; and I would not be true to myself if I do not bring to the notice of the Council that there are orthodox Hindus, call them orthodox if you like, who really feel very much indignant that their sacred river is being polluted in this fashion by the effluents of these septic tanks and other discharges. So I have very great pleasure in supporting this resolution and hope that it will be accepted by the Council.

Maulvi WAHED HOSSAIN: I rise to support the resolution so ably moved by Dr. Bidhan Chandra Roy. I shall give you, Sir, two points for consideration. It is not a question of sentiment upon which I support the resolution, but it is a question of the utmost importance, having regard to the consideration of health. The purity of drinking water is of the utmost importance to everyone who desires to live a healthy life. Consequently, the purity of the River Hooghly which supplies drinking water to millions of human beings residing on both sides of the river is equally important. For a long time frequent complaints have been heard regarding the pollution of the River Hooghly by the discharge of effluents from the septic tanks. I need not dilate upon this subject, but one fact is clear that within a very short space of time new mills have been established and the number of septic tanks has increased and the discharge of the effluents from such septic tanks has been greater. Consequently one must be too bold to say that the discharged effluents do not pollute the river water. This subject was brought forward in the old Council in 1922 by Rai Mohendra Chandra Mitra Bahadur, and what he said: he referred to the report of Dr. Fowler. There is one sentence that is very important. The Doctor pointed out that the septic tank effluent must be regarded as extremely dangerous even in a small quantity. The effluent unsterilized contains millions of bascilli in every fluid ounce of water. Sir Surendra Nath Banerjea, the then Minsiter in charge of Local Self-Government, practically conceded this point. He gave the House to understand that Dr. Bentley was preparing a report on the subject which was then in the Press, and that upon the basis of that report, Government desired to undertake a comprehensive programme. We do not know what became of that report (Hear, hear), and what are the recommendations of Dr. Bentley for avoiding the pollution of water. However, Sir, the Rai Bahadur's resolution demanded a monthly bacteriological examination of all septic tank effluents; Government met him halfway and assured him that there would be bacteriological examinations from time to time. I am not aware how many examinations were held during the last three years, and whether the results of such examinations have been published for public information. The present resolution, which has been brought forward by Dr. Roy, is quite different

from the former resolution: it simply recommends to Government the appointment of a committee to inquire into the matter with the help of experts. Sometime ago there was a talk even in the old Council of a River Pollution Act, but it ended in smoke. The present resolution seems to be very modest and reasonable. Expediency as well as considerations of health plead for its adoption. I therefore support the resolution on the grounds I have already stated.

Babu SURENDRA NATH RAY: We have heard the lucid speech of Dr. Bidhan Chandra Roy. He has explained some of the causes of the pollution of the River Hooghly and he has asked the Government to recommend measures—legislative or otherwise—to prevent the pollution in future. This question of the pollution of the River Hooghly has been engaging the attention of the public as well as of Government since 1904 in which year a committee was appointed to inquire into the matter. A well-known zamindar, Raja Peary Mohan Mukherji, on behalf of the public sent in a note to that committee and that note was very disagreeable to Government. In 1920 Rai Mohendra Chandra Mitter Bahadur moved in the old Council for taking steps to ascertain the cause of the pollution of the river but he was practically browbeaten by the then Member in charge. But the Rai Bahadur persisted and a gentleman from the Punjab by the name of Dr. Bantra was brought here to inquire into this question as if there was no body here not even in the Indian Medical Service to inquire into the matter. About three years ago we asked the Minister in charge of Local Self-Government, Sir Surendra Nath Banerjea, as to whether any report had been received from Dr. Bantra and in reply we were told that the report was in the hands of Dr. Bentley. Whenever afterwards we asked any question about the report we were told that the report would be submitted in due time. Sir, in the 53rd Annual Report of the Department of Public Health we find that the report was then under preparation. I personally asked Dr. Bentley as to when he was going to submit his report and he said that he was going to England on leave and that he was taking the report with him and would ask the opinions of experts there and would then submit his report. Dr. Bentley has taken long leave and so it is not going to be submitted for a very long time yet. Dr. Bantra's report was never submitted before the public. There was a Sanitary Board in the pre-Reform days and in that board were Sir Nilratan Sircar, myself and Mr. Ashworth who was the Chairman of the Naihati Municipality and the Manager of the Gouripur Oil Mill. As member of that Board we went and examined the septic tanks at Naihati. I do not remember exactly whether Sir Nilratan Sirkar submitted his report or not but we were all satisfied that it was absolutely necessary that steps should be taken to prevent pollution of the River Hooghly. The Calcutta Corporation has placed an officer to look after the water of the Falta Water Works

and he reports that things are very bad and that water is not what it should be and that the people of Calcutta should not drink it. We are very thankful to Dr. Roy for bringing forward this motion. It is a very timely motion and a very necessary one and I heartily support it.

Mr. R. N. BAND: I have listened with interest to Dr. Roy's speech recommending that a committee be formed for the purpose of ascertaining the cause of pollution of the River Hooghly. Dr. Roy's speech in support of his motion cover a great deal of ground. But I should like to reply only to that part of his speech which refers to septic tanks. He says that the matter has been under discussion since 1904. Within that time the number of mills have been trebled and it would not have been possible to develop the mill industry if the septic tanks had not been introduced in the mills and without these tanks the health of the people would not have been safe to-day. I may say the effluents of the tanks are treated in a proper manner. Further, I would like to say that for the past two years the drinking water on the mills has been analysed by Major Stewart and in all cases it was certified to be of the highest standard of purity. Sir, Dr. Roy in his speech mentioned the municipalities of Titagar and Kankinara in connection with the question of the disposal of sewerage. I would like to mention here that some years ago when the jute mills were in a more prosperous condition than they are now they contributed considerable sums of money for the improvement of municipalities. At Titagar and Kharda this money has been applied towards a sewerage scheme. The Titagar Sewerage Scheme will cost over Rs. 12 lakhs of which the mills have contributed Rs. 6,00,000. The work has been going on for the past two years and in another year the whole of the sewerage in the Titagar area will be completed. In the case of Kankinara there is a very large scheme in progress which will cost Rs. 25 to Rs. 35 lakhs. In mentioning this I want to show that the jute mill industry is fully alive to the question of the pollution of the river and they welcome any inquiry and any committee. But I would suggest that we should wait until Dr. Bentley returns. We know that for two years he has collected a large mass of data in connection with this question and if a committee is appointed in the meantime it will be helpless without that data.

[At this stage the Hon'ble the President returned to the Chair.]

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: This is no new Resolution; Dr. Roy had given notice of it on more than one occasion and I congratulate him on the fact that he is at last able to secure its discussion by this Council, and for the very interesting informations he has placed before us. I may state at the outset that I have every sympathy with the intentions of the hon'ble member but I doubt whether his proposal will really achieve the object he has in view. It is very certain that there is considerable pollution of the

Hooghly and Government, as at present advised, are disposed to think that legislation to control *all* forms of pollution is very desirable. It is commonly assumed that pollution is chiefly caused by the septic tank effluents but our information is that these effluents are only a small fraction of the sources of pollution. There are said to be about 1,400 municipal and other drains opening into the river and 88 refuse dumps on the banks, while many miles of the river frontage between Howrah and Hooghly Bridges are resorted to by the riparian population for the purposes of nature. I understand that in many localities, the foreshore between high and low water and just above is in an indescribably filthy condition. A River Pollution Prevention Bill is probably very essential there has been suggestions from more than one speakers to this effect this evening and I may state that Government are disposed to introduce legislation of this kind. The position, however, is that for sometime past Dr. Bentley has been shifting and compiling the large mass of materials which was collected by a Survey Staff employed for the purpose of investigating the extent and character of the pollution of the river. The materials on the subject had been collected with great care but they have all been taken by Dr. Bentley to England with the object of writing a report during his leave. Dr. Bentley's report along with the information and materials collected by his department are essential towards the investigation which the proposed committee would make. We are sending a reminder to Dr. Bentley for the report again. Government would have no objection to appointing such a committee when all the materials which they will require are available. But it would be a waste of time and labour for them to collect afresh the information which is now in Dr. Bentley's possession. This Council is aware that the duties of the Director of Public Health are very heavy and Dr. Bentley was unable to find the leisure which a report on such a subject requires before he went on leave. But as I said we are taking steps to get the mass of papers from Dr. Bentley. I hope that Dr. Roy will agree to withdraw his Resolution for the present. If, when Dr. Bentley's report is available to the public, the members of this Council still desire to appoint a committee to advise upon its recommendations, I promise them that Government will have no objection to such a committee being formed.

Dr. BIDHAN CHANDRA ROY: After a good deal of trouble I have been able to have my proposal brought before the Council for discussion and if I withdraw it now I do not know whether I shall be able to have another resolution come before the Council in the near future. The question is whether we can afford to wait till Dr. Bentley's return. Of course he has got certain facts and figures but I say his figures are old and he is not here—let us have our own figures. In spite of what Mr. Band says, the drinking water of the jute mills has not been found to be sterile. I have the report of the Director of Public Health with

ne. In 1923 the samples taken from the septic tank show contamination n at least 75 per cent. in 1924 66 per cent. and in 1925 it is 50 per cent. Sir, we have been asked to wait till Dr. Bentley's return but I ask, can we afford to wait for a single day after this disclosure. If I were in the position of the Hon'ble Maharaja Bahadur of Nadia I would not have waited for a single day. Does he not know what his own community is suffering from it in regard to this matttr. I for myself do not find my way to withdraw this motion.

The amendment that in the motion of Dr. Bidhan Chandra Roy after the name Mr. A. C. Banerjee the name Mr. R. N. Band be inserted was then put and agreed to.

The amendment that in the motion of Dr. Bidhan Chandra Roy after the name Mr. A. C. Banerjee the following names be inserted, namely—Maulvi Abdur Raschid Khan, Maulvi Basar Mahammad, Maulvi Najmuddin Ahmed, was then put and agreed to.

The amendment that in the motion of Dr. Bidhan Chandra Roy after the name Mr. A. C. Banerjee the names Babu Hemanta Kumar Sarkar, Maulvi Ekramul Huq be inserted was then put and lost.

The motion of Dr. Bidhan Chandra Roy was then put in the following amended form and agreed to:—

"This Council recommends to the Government that a committee consisting of the following members of the Council be formed to work in collaboration with two experts, *viz.*, Major Stewart, the Director of Public Health, Bengal, and Sir Nilratan Sarkar, for the purpose of ascertaining the cause of pollution of the River Hooghly, and to recommend measures, legislative or otherwise, to prevent pollution in future:—

Babu Surendra Nath Ray;
Dr. Pramathanath Banerjea;
Babu Khagendra Nath Ganguly;
Babu Boroda Prosad Dey;
Maulvi Wahed Hossain;
Rai Harendranath Chaudhuri;
Mr. A. C. Banerjee;
Mr. R. N. Band;
Maulvi Abdur Raschid Khan;
Maulvi Basar Mahammad;
Maulvi Najmuddin Ahmed; and
Dr. Bidhan Chandra Roy.

Adjournment.

The Council was then adjourned till 3 P.M. on Thursday, the 10th December, 1925, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Thursday, the 10th December, 1925, at 3 P.M.

Present:

The Hon'ble the President in the Chair, the four Hon'ble Members of the Executive Council and 125 nominated and elected members.

Starred Questions

(to which oral answers were given).

Sub-Deputy Magistrates.

*LXXIX. **Maulvi ZANNOOR AHMED:** (*a*) Will the Hon'ble Member in charge of the Appointment Department be pleased to state whether at least up to 1916 it was the intention of the Government to vest only those Sub-Deputy Magistrates with first class power who from their standing and abilities were likely to be promoted within 2 or 3 years to the rank of Deputy Magistrate?

(*b*) Is it a fact that instructions were accordingly issued to all Divisional Commissioners in 1911?

(*c*) Is it a fact that the Hon'ble Sir John Kerr admitted in the Bengal Council in 1919, that Sub-Deputy Collectors, who had exercised second class powers for some time and had shown themselves "thoroughly fit for higher powers, were vested with first class magisterial powers?"

(*d*) Has the attention of the Hon'ble Member been drawn to—

(*i*) speech of Sir John Kerr in Bengal Council in 1919;

(*ii*) Bengal Government's resolution No. 1646 A.D. of 21st June 1920; and

(*iii*) replies given by the Hon'ble Sir Henry Wheeler to a question put by Lieutenant Bejoy Prosad Singh, M.L.C., in the Bengal Council in January 1922?

(*e*) Is it a fact that selection grade was not filled up in accordance with principles laid down in the above resolution?

(*f*) Is the Hon'ble Member aware that disappointment and discontent are now prevalent in the Subordinate Civil Service for not accepting the Donald Committee's recommendations by the Government?

(*g*) Will the Hon'ble Member be pleased to state whether he received a deputation of some members of the Subordinate Civil Service in or about September last?

(*h*) If the answer to (*g*) is in the affirmative, will the Hon'ble Member be pleased to state—

(*i*) the points urged by the deputation; and

(*ii*) the decision of the Government on all or any of those points?

(*i*) Is it a fact that a circular has been recently issued to the effect that henceforward Sub-Deputy Magistrates will not be vested with first class magisterial powers?

(*j*) If the answer to (*i*) is in the affirmative, will the Hon'ble Member be pleased to state the reasons therefor?

(*k*) Is it a fact that before the Donald Committee it was expressed on behalf of the Government of Bengal—

(*i*) that the Sub-Deputy Magistrates would be freely given first class magisterial powers; and

(*ii*) that they would be placed in charge of some subdivisions?

(*l*) If the answer to (*k*) is in the affirmative, will the Hon'ble Member be pleased to state why the policy has been suddenly abandoned?

(*m*) Is it a fact that it was pointed out by the Retrenchment Committee that to abandon such a policy would be wasteful of man-power?

MEMBER in charge of the APPOINTMENT DEPARTMENT (the Hon'ble Sir Hugh Stephenson): (*a*) This was their policy.

(*b*) Yes.

(*c*) What Sir John Kerr said was that owing to shortage of officers during the war Government had relaxed the previous restrictions, and had vested with first class powers a limited number of Sub-Deputy Magistrates with good judicial qualifications, apart from the question of their prospects of promotion to the Provincial Service.

(*d*), (*i*), (*ii*) and (*iii*) Yes.

(*e*) No.

(*f*) I am aware that the decision of Government involved disappointment for members of the service and I should like to add that this decision does not imply any want of appreciation on the part of Government of the efficient and loyal assistance rendered by the service.

(*g*) and (*h*) I received a deputation on the 24th August, 1925. It is not possible in an answer to a question to go over the whole ground covered by a discussion with a deputation. The members of the deputation made representations in respect of their duties, their pay, the proportion of promotions to the Provincial Service and the designation

of their service. Government do not propose to alter the pay or the proportion of promotions, or to make any substantial alteration in the sphere of their duties. Government have agreed to change the designation of the service to "Bengal Junior Civil Service."

(*i*) Yes.

(*j*) Because the decision to maintain two separate services involves a demarcation between the spheres of duties.

(*k*) No. These proposals were considered, but were not accepted by Government.

(*l*) The question does not arise.

(*m*) The member is referred to section (*g*) of Chapter VIII of the Committee's Report.

Ministerial staff of the Presidency College.

***LXXX. Maulvi Md. NURUL HUQ CHAUDHURY:** (*a*) Will the Hon'ble Member in charge of the Department of Education be pleased to state—

(*i*) how many ministerial officers are in the Presidency College; and

(*ii*) how many of them are Mussalmans?

(*b*) Are there any vacancies at the present moment?

(*c*) If so, are the Government considering the desirability of appointing Mussalmans to such post or posts?

MEMBER in charge of the DEPARTMENT of EDUCATION (the Hon'ble Sir Abd-ur-Rahim): (*a*) (*i*) 14.

(*ii*) 3.

(*b*) The post of the Steward fell vacant on 1st December, 1925, and is at present filled on an acting arrangement.

(*c*) The appointment is at present being considered by the Governing Body. The principles regarding the employment of Moslems in ministerial appointments accepted by Government require that a Moslem should be appointed either in this vacancy or in the chain of vacancies created by the appointment.

Magistrate of Faridpur.

***LXXXI. Dr. KUMUD SANKAR RAY:** (*a*) Is the Hon'ble Member in charge of the Judicial Department aware that the present Magistrate of Faridpur has been holding his Court in his house?

(*b*) If so, has his action met with the approval of the Government?

(*c*) If the answer to (*b*) is in the negative, are the Government considering the desirability of directing the Magistrate not to hold his Court in his house?

(*d*) If the answer to (*b*) is in the affirmative, are the Government considering the desirability of providing sitting room accommodation for the litigant public and their respective lawyers?

MEMBER in charge of the JUDICIAL DEPARTMENT (the Hon'ble Sir Abd-ur-Rahim): (*a*) The present Magistrate of Faridpur has never held Court in his house.

(*b*) The question does not arise.

(*c*) No.

(*d*) The question does not arise.

Eradication of water-hyacinth.

***LXXXII. Babu NALINIRANJAN SARKER:** (*a*) Will the Hon'ble Member in charge of the Department of Agriculture and Industries be pleased to state whether the Government have given any trial to Mr. Griffiths' spray for the destruction of water-hyacinth since the purchase of his formula by the Government at a cost of Rs. 40,000?

(*b*) If so, in which part or parts of the province has it been tried and with what result?

(*c*) Is it a fact that Mr. E. A. Moore, Assistant Engineer, Irrigation Department, and Mr. Kalipada Maitra, have been placed in special charge of the duties in connection with the eradication of water-hyacinth in the rivers and khals of Bengal?

(*d*) If so, what are the qualifications and previous experience of these officers for such work?

(*e*) If the answer to (*c*) is in the affirmative, will the Hon'ble Member be pleased to state whether the said Messrs. Moore and Maitra have been instructed to use Mr. Griffiths' spray for this purpose?

(*f*) If not, what other process are they to adopt?

(*g*) What parts of the province will for the present come within the operations directed by the said two officers and what is the exact plan on which they propose to proceed?

(*h*) If these officers have been placed in charge of only some particular part of the province, will the Hon'ble Member be pleased to state whether it is in contemplation to appoint other officers for the remaining parts?

(*i*) If these officers have been appointed to look after the entire province, will the Hon'ble Member be pleased to state whether the Government have made an estimate of the time they will take to complete their work as also of the approximate cost that will be entailed?

(*j*) Are the Government considering the desirability of laying on the table a copy of the instructions issued to these officers and especially to Mr. Kalipada Maitra?

(*k*) Is the Hon'ble Member aware that Mr. Addams-Williams, Chief Engineer, Irrigation Department, has designed a special lifter for dealing with water-hyacinth?

(*l*) If so, what is the cost of such lifter, including cost of all machinery comprised in or connected therewith?

(*m*) Will the Hon'ble Member be pleased to state whether such lifter has actually been constructed by, or at the instance of, the Government or by Mr. Addams-Williams?

(*n*) Will the Hon'ble Member be pleased to state whether any experiment has been carried out with such lifter?

(*o*) If the answer to (*n*) is in the affirmative, will the Hon'ble Member be pleased to state when, where, with what result and by whom was the experiment carried out?

MEMBER in charge of the DEPARTMENT of AGRICULTURE and INDUSTRIES (the Hon'ble Sir Hugh Stephenson): (*a*) to (*j*) The use of the Griffiths' formula for 3 years was bought for the sum of Rs. 22,500. A series of experiments have been made with it on a small scale in different parts of the province, as a result of which Government are not yet satisfied that the spray is an effective means of finally eradicating water-hyacinth from a given area. The experience gained seems to show that man-handling is an essential part of any campaign against water-hyacinth on a large scale, and attention is now being directed to the collection of the data necessary for drawing up a scheme on these lines. The Irrigation Department have deputed Mr. E. A. Moore, Assistant Engineer, for this purpose, with special reference to the clearance of water channels, and Mr. Kalipada Maitra of the Bengal Civil Service, who has had considerable experience in the affected parts, has been placed on special duty to collect information and opinions as to the area and source of infection, the difficulties of dealing with it and the various conditions necessary to get concerted action against the pest. After these preliminaries have been completed, Government hope to be in a position to place a definite scheme before the public, but at present can give no indication of the cost of such a scheme.

(*k*) Yes.

(*l*) The cost of a lifter depends on its capacity and varies between Rs. 5,000 and Rs. 25,000.

(*m*) No

(*n*) and (*o*) Do not arise.

Saraswati and Ghea projects.

*LXXXIII. **Babu SATYA KISHORE BANERJEE:** (*a*) Is the Hon'ble Member in charge of the Department of Irrigation aware that the villagers on both sides of the river Saraswati and the Ghea nadi are willing to pay a considerable portion of the amount that will be required in putting the Saraswati and Ghea projects into immediate execution?

(*b*) Will the Hon'ble Member be pleased to state whether any such application has been received by the Government?

(*c*) Are the Government considering the desirability of instituting an inquiry to ascertain what is the approximate amount that can be easily realised from the agriculturists benefiting by these schemes?

MEMBER in charge of the DEPARTMENT of IRRIGATION (the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur of Nadia): (*a*) Government have no information on this point.

(*b*) No.

(*c*) No; the correct procedure is for those interested to apply to the Collector under section 3 of Act VI of 1920.

Unemployed men in Bengal.

*LXXXIV. **Mr. A. C. BANERJEE:** (*a*) Will the Hon'ble Member in charge of the Department of Agriculture and Industries be pleased to state what steps, if any, have been taken for the ascertainment of the number of unemployed men in Bengal?

(*b*) Will the Hon'ble Member be pleased to state the result obtained from the steps taken?

The Hon'ble Sir HUGH STEPHENSON: (*a*) No steps to this end have been taken.

(*b*) The question does not arise.

Working hours of seamen employed in inland navigation.

*LXXXV. **Mr. M. DAUD:** (*a*) Will the Hon'ble Member in charge of the Marine Department be pleased to state the daily or average weekly working hours of seamen employed in inland navigation in Bengal?

(*b*) Will the Hon'ble Member be pleased to state whether any legislation has been undertaken, in consultation with the employers and workers' organisations, relating to the limitation of the working hours of seamen employed in inland navigation in accordance with the recommendations of the Genoa International Labour Conference of 1920?

(*c*) If the answer to (*b*) is in the negative, will the Hon'ble Member be pleased to state whether the Government have ever examined or investigated the question of limiting the working hours of seamen employed in inland navigation to 8 hours in accordance with the draft conventions adopted at the International Labour Conference held at Washington in 1919?

MEMBER in charge of the MARINE DEPARTMENT (the Hon'ble Mr. J. Donald): (*a*) Government have no up-to-date information on this subject.

(*b*) No.

(*c*) Yes.

Unstarred Questions

(answers to which were laid on the table).

Appointments in the Calcutta Police.

78. Maulvi NAJMUDDIN AHMED: With reference to the reply given by Sir Hugh Stephenson to unstarred question No. 134 (*e*), put by Khan Bahadur S. Mahboob Aley on the 20th August last, that there are certain appointments in the Calcutta Police for which, from the nature of the work, Europeans are specially fitted and others for which Indians are specially fitted, will the Hon'ble Member in charge of the Police Department be pleased to state the posts for which—

(*i*) the Europeans are specially fitted on account of the nature of the work; and

(*ii*) the Indians are specially fitted on account of the nature of the work?

MEMBER in charge of the POLICE DEPARTMENT (the Hon'ble Sir Hugh Stephenson): There are two main divisions in the Calcutta Police Force, viz., the investigating and the non-investigating branches. Both include all sections of the community. Speaking generally, the European Inspectors usually fall in the non-investigating branch, and the appointments for which they are specially fitted on account of the nature of the work include such posts as

Inspector in charge of Fort William, Inspectors in charge of Government House, Inspectors in charge of different Guards, Armed Police Inspectors, Traffic Inspectors, Inspectors, Mounted Police, and Inspector, Headquarters Reserve.

The posts for which Indian Inspectors are specially fitted on account of the nature of the work, are generally important investigating posts.

Promoted Sub-Inspectors in the Calcutta Police.

78. Maulvi NAJMUDDIN AHMED: (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state whether it is a fact that Sub-Inspectors—

(1) Babu Purna Ch. Mukharjee,
(2) Babu Provat Nath Mukharji,
(3) Babu Suresh Chandra Ghosh,
(4) Babu Madan Mohan Chakravarty, and
(5) Babu Benode B. Bonerjee

have been promoted to the rank of Inspector in supersession of many Moslem Sub-Inspectors, all of whom are senior to them?

(*b*) Will the Hon'ble Member be pleased to state the respective education qualifications of these promoted officers?

(*c*) Is it a fact that Sub-Inspector Babu Madan Mohan Chakravarty is 52nd in the gradation list of Sub-Inspectors?

(*d*) Is it a fact that Babu Madan Mohan Chakravarty was promoted to the rank of a Sub-Inspector from a clerk in the Arms Act Department?

(*e*) Is it not a fact that every officer in order to qualify himself as a Sub-Inspector must undergo a course of training in the Training School?

(*f*) Did Babu Madan Mohan Chakravarty undergo any course of training in the Police Training School?

The Hon'ble Sir HUGH STEPHENSON: (*a*) Yes.

(*b*) No. 1 is a graduate. The others passed the University Entrance Examination.

(*c*) Madan Mohan Chakravarty is 54th in the gradation list of Sub-Inspectors.

(*d*) Yes. He was first recruited as a writer constable and then transferred to the ministerial staff of the Arms Act Department.

(*e*) No. All Sub-Inspectors recruited direct are required to spend the first six months of their services in the Training School, but as regards departmental officers promoted to the rank of Sub-Inspector there is no hard-and-fast rule.

(*f*) The answer is in the negative.

Sale of excisable articles in Bakarganj.

80. Mr. P. N. CUHA: Will the Hon'ble Member in charge of the Department of Agriculture and Industries (Excise) be pleased to state—

(*i*) the total number of licenses granted by the Government for the sale of the different kind of excisable articles in the district of Bakarganj during the financial years 1922-23, 1923-24, 1924-25; and

(*ii*) the total value of the excisable articles sold in that district in each of those years under the heads of—

(1) Foreign liquor,

(2) Country spirit,

(3) Opium,

(4) Ganja,

(5) Other excisable articles?

MEMBER in charge of the DEPARTMENT of AGRICULTURE and INDUSTRIES [EXCISE] (the Hon'ble Mr. J. Donald): (*i*) and (*ii*) Two statements furnishing the information asked for, as far as available, are placed on the table. The figures shown in statement (*ii*) represent the total sale-price to the public.

Statement (i) showing the total number of licenses granted by Government for the sale of the different kind of excisable articles in the district of Bakarganj during the years 1922-23, 1923-24 and 1924-25, referred to in the reply to unstarred question No. 80 (i).

Nature of licenses.	1922-23.	1923-24.	1924-25.
Country spirit	15	13	13
Tari	1	1	1
Foreign liquor (Off)	5	5	5
Temporary refreshment stall (foreign liquor).	..	..	1
Rectified spirit and medicated wines.	2	3	3
Denatured spirit	7	7	10
Opium	35	35	39
Ganja	42	42	42
Charas	1	1	1
Bhang	1	1	1
Druggist permit for opium and its preparations.	..	..	..
Druggist permit for hemp drugs ..	11	17	17
Cocaine (druggist permit)	..	8	9

Statement (ii) showing the total value of the excisable articles sold in the district of Balurganj during the years 1922-23, 1923-24 and 1924-25, referred to in the reply to unstarred question No. 80 (ii).

Heads.	1922-23.			1923-24.			1924-25.		
	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.
Foreign liquor ..	*			*			*		
Country spirit ..	61,359	6	0	69,793	6	3	75,202	0	3
Opium	1,40,712	0	0	1,64,060	0	0	1,72,380	0	0
Ganja	1,53,912	8	0	1,63,012	8	0	1,66,512	8	0
Other excisable articles—									
(1) Bhang ..	2,880	0	0	2,380	0	0	2,300	0	0
(2) Charas ..	1,440	0	0	2,040	0	0	2,120	0	0
(3) Tari ..	*			*			*		
(4) Others ..	*			*			*		

* Information not available.

Baraset-Basirhat Light Railway.

81. Babu HEM CHANDRA NASKER: (*a*) Will the Hon'ble Member in charge of the Department of Public Works be pleased to state whether he is aware of a serious collision between a train of the Baraset-Basirhat Light Railway and a motor lorry at Patipukur under the railway bridge on the Calcutta-Jessore road in September last?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state whether the collision ended in the death of several persons and severe injuries to many?

(*c*) Is it a fact that many passengers for want of room were actually travelling on the foot-board of the train that collided with the lorry?

(*d*) If so, will the Hon'ble Member be pleased to state whether passengers for want of accommodation are very often compelled to travel on the foot-board?

(*e*) Is it a fact that the Railway Company generally issue tickets in excess of the passenger accommodation of the train?

MEMBER in charge of the DEPARTMENT of PUBLIC WORKS (the Hon'ble Mr. J. Donald): (*a*) Yes.

(*b*) Three persons were killed and two injured.

(*c*) A few passengers were travelling on the foot-board, having boarded the train after it started.

(*d*) No passenger is ever compelled to travel on the foot-board.

(*e*) The Railway Company have no power to limit the number of railway tickets issued for any particular train.

McGuire Report about estates of Tippera.

82. Maulvi ASIMUDDIN AHAMAD: (*a*) Will the Hon'ble Member in charge of the Department of Revenue be pleased to lay on the table a copy of the proposals submitted by Mr. McGuire about all the estates of Tippera in November 1792?

(*b*) Are the Government considering the desirability of keeping a true copy from the above record of estates of Noakhali in the Noakhali Collectorate?

MEMBER in charge of the DEPARTMENT of REVENUE (the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur, of Nadia): (*a*) and (*b*) An inquiry is being made whether a copy of these papers is required by the Collector of Noakhali. Mr. McGuire's proposals are contained in a lengthy report and a copy therefore cannot be laid on the table.

Political convict Mohendra Nath Das.

83. Babu ROMES CHANDRA BACCHI: (*a*) Will the Hon'ble Member in charge of the Department of Revenue (Jails) be pleased to state whether it is a fact that Mohendra Nath Das, a political convict, was sentenced to transportation for life and sent to the Andamans in 1916?

(*b*) Is it a fact that he was brought from the Andamans to the Alipore Central Jail in 1921, just on the eve of the Proclamation of the grant of the Royal Amnesty to political prisoners?

(*c*) Is it a fact that when in the Alipore Central Jail the prisoner showed signs of tuberculosis?

(*d*) Is it not a fact that the prisoner, through his wife, prayed for his release on that ground?

(*e*) Is it not a fact that in demi-official No. 3790 P., dated the 9th April, 1923, Government informed his wife that there was no cause for anxiety and that he was not ill?

(*f*) Is it not a fact that the father and wife of the prisoner again petitioned the Government on the 19th June, 1924, for his release on the same ground?

(*g*) Is it not a fact that the Government refused to sanction the release?

(*h*) Is it not a fact that the Medical Board, after examination, considered him to be suffering from pulmonary tuberculosis and ordered his transfer to the Suri Jail?

(*i*) Is it not a fact that he is still being confined in the Suri Jail?

(*j*) Is it not a fact that his condition in the Suri Jail is gradually becoming worse, day by day, and that all the symptoms of phthisis are now fully developed in him?

(*k*) Does not the prisoner himself apprehend that any further detention in jail will only hasten his death?

(*l*) Is it not a fact that the prisoner has already suffered the major portion of his sentence?

(*m*) Is it not a fact that his conduct in the jail has always been highly satisfactory?

(*n*) Are the Government aware that the prisoner comes of a very respectable and well-to-do family of the Malda district?

(*o*) Is it not a fact that Babu Krisnadhan Das Sarkar, the prisoner's father, again submitted on 12th October last another memorial to His Excellency the Governor praying for the immediate release of his son, so that he may at least die in peace at home?

(*p*) Are the Government considering the desirability of granting such a prayer?

MEMBER in charge of the DEPARTMENT of REVENUE [JAILS] (the Hon'ble Sir Hugh Stephenson): (*a*) to (*p*) The convict referred to was sentenced to transportation for life for abetment of murder in July 1916 and was sent to the Andamans, whence he returned in 1921. He was transferred to Suri Jail on the advice of a Medical Board, which examined him in October 1924. Some of the matters referred to in the questions have been the subjects of petitions on which orders have been passed. The relatives have been informed of the state of the convict's health and further information on the subject can at any time be obtained by them from the jail authorities.

Mr. KIRAN SANKAR ROY: May I ask if this is the proper sort of reply to give to this question? No answer has practically been given at all.

Mr. PRESIDENT (Kumar Shib Shekhareswar Ray): I cannot help it.

Mr. KIRAN SANKAR ROY: Will the Hon'ble Member be pleased to answer question (*h*)?

The Hon'ble Sir HUGH STEPHENSON: The Medical Board gave no definite decision that he was suffering from pulmonary tuberculosis, but advised that he should be transferred to Suri Jail, as stated in my answer.

Mr. S. N. HALDAR: With regard to questions (*j*) and (*p*), those questions have not been answered.

Mr. PRESIDENT: If the reply has not been furnished, perhaps Government are not prepared to give the information. Anyway, this is not a supplementary question, it is a substantive question. If Government are not prepared to reply, I cannot make them do so.

Mr. S. N. HALDAR: Are the Government prepared to consider the petition of the 12th October, submitted on behalf of this prisoner?

The Hon'ble Sir HUGH STEPHENSON: Is this a supplementary question, Sir?

Mr. PRESIDENT: Yes, I think it is.

The Hon'ble Sir HUGH STEPHENSON: I would explain that there are no less than 16,000 prisoners in the jails in Bengal, and if the time of the House is taken up by individual questions regarding every one of these 16,000 prisoners, it seems to me that the time of the House would be wasted considerably. There is no desire on my part to withhold information, but I would be quite prepared to give all information to any member of House coming to me for it. I think in the interests of the House if information is given outside the House, the time of the House would not be taken up.

Mr. J. N. SEN GUPTA: May I know whether there have been any questions asked in this House in this session about any prisoner other than political prisoners?

The Hon'ble Sir HUGH STEPHENSON: As far as I know, there have not.

Mr. S. N. HALDAR: With reference to the Medical Board mentioned in the reply, may I know the *personnel* of that Medical Board?

Mr. PRESIDENT: That does not arise.

Mr. S. N. HALDAR: Am I not entitled to know?

Mr. PRESIDENT: You may send notice of that as a separate question.

Mr. S. N. HALDAR: May I know if they submitted any report?

The Hon'ble Sir HUGH STEPHENSON: Yes.

Mr. S. N. HALDAR: Are the Government prepared to lay that report on the table?

The Hon'ble Sir HUGH STEPHENSON: I want notice of this; I cannot answer offhand.

Ministerial officers under the District Magistrate of Bakarganj.

84. Maulvi FAZLAL KARIM CHOWDHURY: (*a*) Will the Hon'ble Member in charge of the Department of Revenue be pleased to lay on the table a statement showing in respect of the ministerial officers under the District Magistrate of Bakarganj—

(*i*) how many officers are under him;

(*ii*) how many among them are Muhammadans;

(*iii*) how many of the Muhammadan officers are at subdivisions: and

(*iv*) whether the Muhammadans are posted proportionately in each station?

(*b*) Is the convenience of the Muhammadan officers considered at the time of posting?

(*c*) Are the inhabitants of the district given preference at the time of appointments?

(*d*) Are candidates from backward subdivisions given special preference?

(*e*) Are there any Sharistadars, Head-clerks, Naib Nazirs and Accountants among the Muhammadan officers either at the Sadar subdivision or at the subdivisions?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: (*a*) (*i*) One-hundred and seventy-five.

(*ii*) Fifty-six.

(*iii*) Thirteen are employed at subdivisions and 14 on Khas Mahal and Colonisation work.

(*iv*) There is no rule that postings to stations should be in any proportion. At present about one-third of the clerks in each subdivision are Muhammadan.

(*b*) Yes. The convenience of officers is ordinarily considered in posting them, but is subject to the requirements of the public services.

(*c*) Yes.

(*d*) The Collector endeavours to find suitable candidates from all subdivisions.

(*e*) Two Subdivisional Nazirs, one Naib Nazir and four Assistant Accountants are Muhammadans.

Ministerial Officers under the District Judge of Bakarganj.

85. Maulvi FAZLAL KARIM CHOWDHURY: (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to lay on the table a statement showing in respect of the ministerial officers under the District Judge of Bakarganj—

(*i*) how many officers are under him;

(*ii*) how many among them are Muhammadans;

(*iii*) how many of the Muhammadan officers are at subdivisions; and

(*iv*) whether the Muhammadans are posted proportionately in each station?

(*b*) Is the convenience of the Muhammadan officers considered at the time of posting?

(*c*) Are the inhabitants of the district given preference at the time of appointments?

(*d*) Are candidates from the backward subdivisions given special preference?

(*e*) Are there any Sharistadars, Head-clerks, Naib Nazirs and Accountants among the Muhammadan officers either at the Sadar subdivision or at the subdivisions?

The Hon'ble Sir ABD-UR-RAHIM: (*a*) (*i*) There are 150 permanent officers, 16 probationers and temporary clerks and nine temporary comparing clerks.

(*ii*) Thirty-one, including seven probationers and temporary clerks and two temporary comparing clerks.

(*iii*) Thirteen, including two temporary clerks, are at present employed at subdivisions; probationers being leave reservists are deputed to subdivisions as occasion arises. Two Muhammadan clerks were transferred to subdivisions on their own application and one as a punishment.

(*iv*) In posting officers to subdivisions the question of community is not taken into consideration.

(*b*) As far as possible convenience of every officer is considered at the time of posting.

(*c*) Generally the inhabitants of the district are appointed, though in making selections no distinction is made between people of this and other districts.

(*d*) The fact is taken into consideration.

(*e*) At present there is no Muhammadan officer holding any of the posts referred to. One clerk, who is most efficient among the Muhammadan clerks, was offered a Munsif's Sharistadarship, which he declined, and he is still unwilling to accept such appointment.

Aids to "tols", "maktabs" and other indigenous institutions.

88. Rai HARENDRANATH CHAUDHURI: Will the Hon'ble Member in charge of the Department of Education be pleased to lay on the table a statement showing, district by district, for the year 1925—

(*i*) the total number of *tols* and institutions for Sanskrit education on indigenous lines in Bengal;

(*ii*) the total number of *maktabs* and institutions for Islamic education in Bengal;

(*iii*) the number of *tols* and institutions referred to in (*i*)—

(*a*) receiving Government aid; and

(*b*) receiving aid from municipalities and District Boards;

(*iv*) the number of *maktabs* and institutions mentioned in (*ii*)—

(*a*) receiving Government aid; and

(*b*) receiving aid from municipalities and District Boards;

(*v*) the total amount of Government grants-in-aid to—

(*a*) *tols* and institutions mentioned in (*i*) above; and

(*b*) *maktabs* and institutions mentioned in (*ii*) above;

(*vi*) the total amount of grants from local bodies, *i.e.*, municipalities and District Boards, etc., given in aid of—

(*a*) *tols* and institutions mentioned in (*i*) above; and

(*b*) *maktabs* and institutions mentioned in (*ii*) above?

The Hon'ble Sir ABD-UR-RAHIM: A statement is laid on the table.

A statement referred to in the reply to unstarred question No. 86.

Serial No.	Name of District.	(i) Total number of *tols* and institutions for Sanskrit Education on indigenous lines.	(ii) Total number of *maktabs* and institutions for Islamic education.	(iii) The number of tols and institutions referred to in (i) — (a) Receiving Government aid.	(iii) (b) Receiving aids from municipalities and District Boards.	(iv) The number of *maktabs* and institutions mentioned in (ii) — (a) Receiving Government aid.	(iv) (b) Receiving aids from municipalities and District Boards.	(v) The total amount of Government grant-in-aid to — (a) *Tols* and institutions mentioned in (i) above.	(v) (b) *Maktabs* and institutions mentioned in (ii) above.	(vi) Total amount of grants from local bodies in municipalities, District Boards, etc., given in aid of — (a) *Tols* and institutions mentioned in (i) above.	(vi) (b) *Maktabs* and institutions mentioned in (ii) above.
1	2	3	4	5	6	7	8	9	10	11	12
	Presidency Division.							Rs.	Rs.	Rs.	Rs.
1	Calcutta	60	218	22	25	200	173	4,900	25,065	3,388	12,050
2	24-Parganas	39	269	10	8	213	211	2,630	11,505	970	9,837
3	Nadia	34	407	14	4	3	330	11,343	13,707	382	9,144
4	Murshidabad	18	266	4	5	8	235	336	10,787	411	5,218
5	Jessore	17	461	6	10	8	356	308	15,695	929	7,462
6	Khulna	20	585	8	18	347	397	1,214	18,805	1,907	10,172
	Total ..	188	2,206	64	70	779	1,702	20,631	95,564	7,987	53,934
	Burdwan Division.										
7	Burdwan	49	341	2	35	4	284	516	12,116	2,760	10,462
8	Birbhum	14	285	2	8	1	246	568	12,768	547	5,257
9	Bankura	29	31	2	19	1	25	541	1,865	211	984

10	Midnapur	90	306	28	18	4	254	2,770	13,014	2,127	6,798
11	Hooghly	56	305	2	33	15	207	536	10,841	2,896	6,371
12	Howrah	27	164	1	22	4	127	48	8,221	2,089	6,174
	Total ..	265	1,432	37	136	29	1,143	4,979	66,225	11,290	33,063
	Dacca Division.										
13	Dacca	39	1,161	6	21	20	682	2,312	16,709	2,259	56,946
14	Mymensingh	33	2,170	3	23	21	1,826	738	62,293	2,614	33,962
15	Faridpur	27	1,128	6	15	5	865	240	25,253	936	9,635
16	Bakarganj .. .	17	1,278	7	7	11	1,023	2,485	37,507	1,302	4,738
	Total .	116	5,737	22	66	57	4,396	5,775	1,41,762	7,111	1,04,585
	Chittagong Division										
17	Chittagong ..	35	1,721	7	23	15	1,404	3,068	49,649	2,656	18,576
18	Tippera	124	2,465	13	34	2,148	2,107	1,741	72,219	1,903	13,152
19	Noakhali ..	22	1,183	6	20	19	831	863	40,219	2,790	23,004
	Total .	181	5,369	26	77	2,182	4,342	5,672	1,62,087	7,349	54,732
	Rajshahi Division.										
20	Rajshahi	9	306	3	3	282	3	2,454	15,871	720	9,909
21	Dinajpur	9	208	1	2	159	159	264	10,503	660	9,909
22	Jalpaiguri	....	111	....	....	78	78	....	1,860	....	2,011
23	Rangpur	8	354	3	6	308	310	178	15,711	1,009	8,178
24	Bogra .. .	4	256	3	1	10	217	328	19,231	668	4,722
25	Pabna .. .	11	493	3	8	5	488	346	17,656	2,156	11,753
26	Malda	3	170	1	2	152	152	168	9,316	330	1,677
27	Darjeeling	..	8	...	....	1	8	....	768	....	2,017
	Total ..	44	1,906	14	22	995	1,415	3,738	90,916	6,565	42,585
	GRAND TOTAL ..	794	16,650	163	371	4,042	12,998	40,795	5,56,534	40,022	2,92,867

Wroughton Report about settlement of rent of Mymensingh.

87. SHAH SYED EMDADUL HAQ: (*a*) Will the Hon'ble Member in charge of the Department of Revenue be pleased to lay on the table a copy of the report submitted to the Board of Revenue on the 12th February, 1788, by Mr. Wroughton, who was appointed by the Board of Revenue letter dated the 1st May, 1781, to settle the rent of the district of Mymensingh?

(*b*) Is it a fact that the said report contains the reports of many parganas of the present districts of Tippera and Noakhali?

(*c*) If so, are the Government considering the desirability of keeping true copies of the reports concerning parts of the districts of Tippera and Noakhali in the respective Collectorates?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: (*a*) The report consists of 132 pages of manuscript and a copy cannot be laid on the table.

(*b*) Yes, the report contains references to some parganas since transferred to Tippera and Noakhali.

(*c*) It will be ascertained whether copies are available in the Tippera and Noakhali Collectorates.

Settlement of khas lands in Noakhali.

88. Maulvi SAYEDUL HOQUE: (*a*) Will the Hon'ble Member in charge of the Department of Revenue (Land Revenue) be pleased to state—

(*i*) what is the principle followed, or the minimum qualification of settlers required at the time of the distribution of khas mahal lands in the district of Noakhali;

(*ii*) whether it is a fact that in the distribution of these lands the men who returned from Mesopotamia were given preference to men rendered homeless and destitute by the erosion of the river;

(*iii*) what was the revenue derived per head per unit of land;

(*iv*) how many amongst the recipients of lands were homeless and destitute due to the erosion of the river; and

(*v*) how many amongst those recipients were men who had returned from Basra or Mesopotamia?

(*b*) If the answer to (*a*) (*ii*) is in the affirmative, are the Government considering the desirability of making special consideration in favour of the homeless persons referred to above at the time of distributing the khas mahal lands in future?

(*c*) Will the Hon'ble Member be pleased to state whether the land in Burir Char, in the district of Noakhali, has been given to Indian Christians to the exclusion of other communities, at a lower *salami* of Rs. 45 per unit, whereas the usual *salami* is Rs. 125?

MEMBER in charge of the DEPARTMENT of REVENUE [LAND REVENUE] (the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur of Nadia): (*a*) and (*b*) Settlement is made with cultivators, preference being given to tenants whose lands have been diluviated; and after them to persons with war services to their credit.

The detailed information asked for is not readily available, and to collect it would involve an amount of labour incommensurate with its value.

(*c*) No; the land in Burir Char is still under reclamation and no settlement has yet been made.

Sale of "kharija" taluks in Noakhali.

89. Maulvi SAYEDUL HOQUE: (*a*) Will the Hon'ble Member in charge of the Department of Revenue be pleased to state how many *kharija* taluks, that is those taluks that are directly under the Government, were sold by auction on account of non-payment or short payment of revenue, rent or cess in the district of Noakhali from the 1st of January, 1923, to the 31st of July, 1924?

(*b*) Will the Hon'ble Member be pleased to lay on the table a statement showing the amounts, whether of revenue, rent or cess for non-payment of which those auction sales took place?

(*c*) How many suits have been instituted against those auction sales and with what results?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: (*a*) Five whole taluks or estates and eight part taluks.

(*b*) A statement is laid on the table.

(*c*) None.

Statement of "kharija" taluks sold at revenue sale during the period of 1st January, 1923, to 31st July, 1924, referred to in the reply to unstarred question No. 89.

Tauzi No.		Separate account No.	Revenue. Rs.	A.	P.
1948	..	Residue	8	5	6
1209	..	Whole	22	13	10
60	..	3	9	3	3
18	..	3	60	0	8
157	..	Whole	1	1	5
351	..	Whole	4	9	2
419	..	Whole	6	7	0
1207	..	Whole	0	15	0
1210	..	2	2	9	9
		14	2	7	6
		20	14	1	0
		22	1	3	0
1226	..	4	3	4	6
			137	1	7

Settlement of temporary-settled estates.

90. Mr. SYED M. MASIH: (*a*) Will the Hon'ble Member in charge of the Department of Revenue be pleased to state the names of districts in which Settlement operations of temporary-settled estates are at present going on in Bengal?

(*b*) Will the Hon'ble Member be pleased to state whether the Settlement operations in each district are being conducted in conformity with the Revenue policy of the Government of India and adopted by the Government of Bengal, which lays down that "progressive moderation is the key-note of the policy of Government, and that the standard of 50 per cent. of the assets is one which is almost uniformly observed in practice" (*vide* Land Revenue policy of India Government, pages 38, 61 and 62, edition of 1920; and Bengal Survey and Settlement Manual of 1917, page 115)?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: (*a*) and (*b*) The member is referred to the reply to a similar question by Rai Satyendra Nath Roy Choudhuri Bahadur in this session of the Council.

Applications for converting "jote" lands in the Duars or in the Terai into tea lands.

91. Mr. PRASANNA DEB RAIKAT: (*a*) Is the Hon'ble Member in charge of the Department of Revenue aware of any application made either by any private individual or by the Tea Companies asking for Government's sanction to convert *jote* lands in the Duars or in the Terai into tea lands?

(*b*) If so, will the Hon'ble Member be pleased to state the attitude of the Government towards the above question?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: (*a*) Three applications have been received during the current year.

(*b*) The principles followed are laid down in sections II and III, Chapter 7 of the Bengal Waste Lands Manual, 1919.

Ministerial Officers under the District Magistrate of Bakarganj.

92. Maulvi SAYYED SULTAN ALI: (*a*) Will the Hon'ble Member in charge of the Department of Revenue be pleased to lay on the table a statement showing—

(*i*) how many ministerial officers there are under the District Magistrate of Bakarganj;

(*ii*) how many among them are Muhammadans;

(*iii*) how many of the Muhammadan officers are at subdivision; and

(*iv*) whether the Muhammadan officers are posted proportionately in each station?

(*b*) Is the convenience of the Muhammadan officers considered at the time of posting?

(*c*) Are the inhabitants of the district given preference at the time of appointment?

(*d*) Are the candidates from the backward subdivisions given special preference?

(*e*) Are there any Sharistadar, Head-clerk, Nazir, Naib Nazir and Accountant among the Muhammadan officers, whether at Sadar subdivision or at the subdivisions?

(*f*) If the answers to (*c*), (*d*) and (*e*) are in the negative, will the Hon'ble Member be pleased to state the reasons?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: (*a*) to (*e*) The member is referred to the answer to an unstarred question on the subject put by Maulvi Fazlal Karim Chowdhury at this meeting.

Ministerial Officers under the District Judge of Bakarganj.

93. Maulvi SAYYED SULTAN ALI: (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to lay on the table a statement showing—

(*i*) how many ministerial officers there are under the District Judge of Bakarganj;

(*ii*) how many among them are Muhammadans;

(*iii*) how many of the Muhammadan officers are at subdivisions; and

(*iv*) whether the Muhammadan officers are posted proportionately in each station?

(*b*) Is the convenience of the Muhammadan officers considered at the time of posting?

(*c*) Are the inhabitants of the district given preference at the time of appointment?

(*d*) Are the candidates from the backward subdivision given special preference?

(*e*) Are there any Sharistadar, Head-clerk, Nazir, Naib Nazir and Accountant among the Muhammadan officers, either at the Sadar subdivision or at the subdivisions?

(*f*) If the answers to (*c*) and (*d*) are in the negative, will the Hon'ble Member be pleased to state the reasons?

The Hon'ble Sir ABD-UR-RAHIM: (*a*) to (*f*) The member's attention is invited to the answer given to an unstarred question on the subject asked by Maulvi Fazlal Karim Chowdhury at this meeting.

Treatment of motions regarding pay of ex-Ministers.

Mr. PRESIDENT: Item 11 on Appendix to the List of Business will now be taken up, and item 12 being identical, will be deemed to be withdrawn.

If item 11 be carried, item 26 will be out of order, but if the mover of that resolution wants to move it as an amendment he can do so. In that case items 46, 49, 52, 58, 63, 66, 71, 73 and 79 will be deemed to be withdrawn.

Dr. BIDHAN CHANDRA ROY: Is it your opinion that items 11 and 12 are identical? There is a difference between them, because I find in item 11 it is stated that the salaries for the actual period of work be given to all four Ministers, whereas in item 12 it is stated that the salaries for the period for which they were in office as Ministers and for which no salaries have been paid to them, be paid.

Mr. PRESIDENT: I refer you to section 40, and I think that the motions are substantially identical. Note the word "substantially."

Resolutions

(on matters of general public interest).

Pay of ex-Ministers.

Mr. P. N. GUHA: I beg to move that this Council recommends to the Government that the salaries for the actual period of work be given to all the four Ministers who were appointed by His Excellency and who had to resign owing to the total refusal of their salaries by the Council.

Raja MANMATHA NATH RAY CHAUDHURI of Santosh: May I have your leave to offer a personal explanation, Sir?

I beg to submit that so far as my case is concerned, it was linked with this resolution without my knowledge, and I beg to submit that I am not prepared to accept any salary for the very brief period that I was in harness (Hear, hear). I should add that I am not opposing the resolution.

Mr. PRESIDENT: Order, order, I think you have finished your personal explanation.

Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur: May I say something in the way of an explanation?

Mr. PRESIDENT: If you want to make a personal explanation, you may do so, but if want to speak on the motion, you must wait till the motion is moved.

Babu BEJOY KRISHNA BOSE: On a point of order, Sir. Will the mover be in order in moving this resolution which says "that the salaries of four Ministers, etc., etc.," when one of them has just stood up and said he does not want any salary?

Mr. PRESIDENT: This is only a recommendation to the Government. If the other Ministers refuse to accept the salary, Government cannot force it on them. It is only a recommendation, it might stand as it is. Go on Mr. Guha.

Mr. P. N. GUHA: Sir, there seems to be some misapprehension with regard to the inclusion of the word "four" in my resolution. Some questions were put to me as to why I did not mention the word "five", because during the last ministerial muddle five persons worked as Ministers. My explanation is that the Council had nothing to do with the salaries of Mr. S. N. Mullick, and my information is that he got his salary for the period for which he worked. That is why I did not mention five.

I am glad to hear that Raja Manmatha Nath Ray Chaudhuri of Santosh, does not want his salary, and I think the Nawab Sahib will follow suit. As regards the other two Ministers, I assure the House that I had their consent before tabling my resolution. In the very first place, I want to assure the Council that I do not move this resolution in any spirit of making it as a demand. I believe, and the whole constitutional world will believe, that these Ministers whose salaries were refused were constitutionally wrong in remaining in their office, and if I have come to-day to ask for their salaries, I do not base my claim on constitution. The object of my friends opposite in voting against the salaries of the Ministers was not to do any personal injury to the people who worked, but it was to kill dyarchy. Well, they have done it; they have killed, scotched and buried dyarchy, yet I hope that the dyarchy will live long.

Well, what I want to submit to the members of this House is that these gentlemen had to work under pressure from two sides. They were not absolutely free agents. On the one side there was pressure from their party, and on the other side there was pressure from a higher quarter. As no man belonging to any party can do anything according to his free will, they committed no wrong if they did yield to the pressure of their party, and I think the party to which they belong should share the blame that has come on them.

Sir, as I have said, I do not press my resolution on constitutional grounds. My only point is that they may have been wrong, they may have acted contrary to the wishes of the members of the Council, but they have worked for eight long months, and I think we will lose nothing if we pay them their salaries for the period they have worked. Our friends opposite are not here to do any injury personally to anyone, but they want to change the constitution. I have every sympathy with their aspirations, and though I do not see eye to eye with them

in their political principles, I would like them to accept this resolution without any fear of losing anything so far as their constitutional principles are concerned, because I do not place my claim on any constitutional grounds. It is purely an appeal, purely a matter of sympathy and kindness for people who have worked hard.

With these very brief remarks, I beg to commend my resolution to the acceptance of the House.

Mr. J. M. SEN GUPTA: I would like to make our position on this resolution as clear as possible, and as in brief a manner as possible. Whenever we voted against the Ministers' salaries, and threw them out—and we did that on three occasions during the lifetime of this Council—we made it perfectly clear on every such occasion that in so doing, we were not actuated by personal considerations. The vote that we gave on those occasions was a vote against dyarchy. I desire to repeat that whether it was Maulvi Fazl-ul Huq or Mr. Surendra Nath Mullick, Mr. Ghuznavi, or the Raja of Santosh, we were prepared to support them—*quae* Ministers—whether they were Hindus or Muhammadans. We were not prepared to support the dyarchical form of government with Ministers and Executive Councillors, the former being merely tools in the hands of the latter. The issue on this resolution is not to be confounded with the issue of the continuance of dyarchy. The two issues are distinct and separate.

I desire further to make it perfectly clear that if any demand for Ministers' salaries is brought forward for carrying on the present dyarchical system of government, we will oppose the same, whatever the constitution of such Ministry might be. As regards this resolution for paying the back salaries, as we have no personal bias or vindictiveness against the gentlemen concerned, we will not vote on this resolution at all. Ours is a vote against dyarchy, and until the constitution of the Government is so altered as to be acceptable to the people of India, we, their representatives, will refuse to accept and work it. But we will not act in any way which might be construed as an act against particular individuals.

On these considerations, the decision that we have arrived at is this: that although we will take part in the debate, we will not go into the division lobbies on one side or the other. The position, I am glad to say, has been made perfectly clear by the mover of the resolution; he admits that the Ministers were wrong, constitutionally wrong, in continuing in office under this rotten constitution, even after their salaries were refused. The position that we take up to-day should be no encouragement to the Government to appoint Ministers who have no majority in the House at all, and whose salaries are bound to be rejected when it comes up, in the hope that after they have worked as Ministers in the Council, we will be lenient enough to pass their

salaries later on. I also wish to declare that our action should not be taken as encouragement to, or acquiescence in, the continuance of office by Ministers even after their salaries are refused by the Council.

Babu MANMATHA NATH ROY: Although a member of the Swaraj party, I feel myself bound to oppose this resolution. The mover of the resolution has said that he does not base it on constitutional grounds. I do not see how we, in this House, can decide any question, except on constitutional grounds. I do not see any change of circumstances since the Council last voted on Ministers' salary; there was an emphatic refusal by this Council on three previous occasions, and our constituencies were wholly with us on those occasions. We have still our responsibility to our constituency, and we cannot fly in the face of our obvious duty. The course of action proposed by this resolution is unique, is strange in any responsible legislature. It was never heard of in any Indian legislature and there is no such instance in those legislatures which have survived ages and centuries. When I first saw this resolution on the agenda paper, it seemed to me as if we were here members of an orphanage or an alms house. Such an appeal might be quite forcible outside the House, but in this House we shall have a poor, a strange notion of our duties and responsibilities if we dispose of public funds in the light-hearted manner proposed by this resolution. I do not see any distinction between the question which arose when the Ministers' salary was voted upon and the question which is raised by the present resolution. I do not see how, having voted against dyarchy, we can vote for the salaries of the principal actors brought into existence by dyarchy. I do not regard it to be a personal question or a communal question, but we cannot forget the circumstances under which two of the Ministers continued notwithstanding our adverse vote. We do not know what happened behind the scene when the Ministers flouted universal public opinion. We do not know whether they stuck to their posts with a pertinacity or fondness of their own, or whether the Governor took full responsibility in the matter, but we shall be failing in our duty, in our pledges to our constituency, we shall be stultifying ourselves, we shall be ignoring unanimous public opinion, it will be a disgraceful and shameful conduct on our part and it will be a dangerous precedent if we support this resolution which has just been moved.

Mr. W. L. TRAVERS: I desire to express in as few words as possible the views of the British members upon this resolution. We are in favour of it and think it should be passed. We think that the Ministers ought to receive salary for the work that they did in Bengal, and we hold that opinion both in regard to the special case under consideration and also generally. Our view upon this matter is that any person

holding a high office under the Crown should always receive a reasonable and adequate salary for the work he does therein—whether that position is a permanent or a temporary one.

Dr. H. W. B. MORENO: On behalf of the Anglo-Indian members I should like to state that we are entirely in accord with the view that the Ministers who have worked faithfully and well should receive their salaries, apart from all other constitutional considerations. I congratulate very sincerely Mr. Sen Gupta upon what I think was one of the most excellent speeches. He seems to have made a real effort to meet a difficult situation. I am glad he says that he along with his party is not going to sacrifice the gentlemen who have worked assiduously and who have discharged their duties satisfactorily. Sir, it is a well-known maxim that the labourer is worthy of his hire. The fight against dyarchy reminds me of the story of a hunting incident, where the hounds and the huntsman were all out to chase a fox; when they came near, the fox discovered a broad river ahead, so that it could not run any farther. Turning round the fox asked one of the hounds ahead of the others: "Why are you chasing me? What have I done to you that I should be treated thus?" The hound replied: "Oh, we are just out for fun." Thereupon the fox retorted: "It may be fun for you, but it is death for me." Well, Sir, certain members of the House were out to stop dyarchy, but while they were out on this, others suffered and suffered bitterly. I therefore think that it is a very wise principle on the part of the Swaraj party to show a more conciliatory spirit by abstaining from voting, on this issue, so that these worthy labourers may receive hire for the work they have done.

Babu AKHIL CHANDRA DATTA: Sir, I rise to oppose this motion. This motion has not raised any new issue. It is only an agitation—re-agitation—of the old question, with this difference, however, that it is now within narrower limits and within less important limits, but the position is practically the same. I should like to put the position like this. There was a suit—being a lawyer I am fond of legal parlance—there was a suit instituted in this court of the Council for Ministers' salaries. The suit went through a protracted investigation and trial, with the result that eventually it was dismissed. Now, Sir, we are asked by the Ministers' advocate to execute the decree which has never been passed in spite of the fact that the suit has been dismissed. We are asked to brush aside our former judgment as if it was a piece of waste paper. Now the question is—what has happened since then—since our last decision—to justify us to take the course which it is now proposed to be taken? Now, Sir, in throwing out the Ministers' salaries we certainly acted on a certain principle—that principle may be right or wrong, that is altogether a different question. That is a question in which there is certainly room for honest difference

of opinion; but we are not concerned with that at the present moment. The fact remains that we acted on a certain principle and not on any considerations, either personal or communal. It is no use mincing matters. There is no disguising the fact that a good deal of personal and communal considerations have clouded the real issue before us.

Maulvi Md. NURUL HUQ CHAUDHURY: Question!

Babu AKHIL CHANDRA DATTA: I say, I repeat personal and communal considerations have clouded the issue. (Question!) Well, my friend questions again. I shall refer to the speech of the learned mover himself and the other speakers who supported him when they appealed for the sympathy of the members of this House. I distinctly heard the word "sympathy" in Mr. Guha's speech, and when one speaks of sympathy I take it that it is personal. Now, therefore, let us examine for one moment whether there is any justification for any communal considerations influencing our decision at the present moment. The question is that when the Ministers' salary was refused, was it refused on any communal grounds or on any communal bias? It is well known, Sir, that the Ministry, or rather the Ministership—I shall not call it Ministry—was offered to Mr. C. R. Das, who, I take it will be admitted, was a Hindu. Then it was offered to Mr. Chakravarti, who is also a Hindu.

Maulvi Md. NURUL HUQ CHAUDHURY: Question!

Babu AKHIL CHANDRA DATTA: I was going to say that Mr. Das and Mr. Chakravarti were Hindus and they declined the offer. In other words they did not go in for salary.

Maulvi KADER BAKSH: On a point of order, Sir. Does the question as to who refused and who were offered arise at all when we have been discussing the question whether the Ministers should be paid or not?

Mr. PRESIDENT: Your leader, Mr. J. M. Sen Gupta, went into the broad question in giving his support. So I think Mr. Datta is quite in order in referring to these matters.

Babu AKHIL CHANDRA DATTA: If my friends will have a little patience to listen to me, they will find out that I am only anxious to prove that there is no communal consideration in it. It is not my point to prove that there is communal bias. My point is that there is no communal bias. I was going to show that there was no Hindu feeling of a communal character when Mr. Das and Mr. Chakravarti refused to take office. Then, Sir, three other gentlemen were appointed,

of whom also one was a Hindu. Now, the Ministers' salary was refused in the case of the Hindu Minister also, I mean Babu Surendra Nath Mullick. Not only was the salary refused to him, but it was refused in a most outrageous fashion—I mean to say he was not allowed to cross the threshold of this gilded chamber. That was the treatment meted out to him, although we must remember that Mr. Mullick was a Hindu. Then, Sir, later on the Raja of Santosh, who was appointed, was also a Hindu.

Maulvi SAYYED SULTAN ALI: Is the Hindu-Muhammadan question before the Council now? If not, I believe the hon'ble member is not in order.

Mr. PRESIDENT: I think you are attempting to assume my rôle. He is not referring to the Hindu-Moslem question. He is simply developing his point.

Babu AKHIL CHANDRA DATTA: It will, therefore, appear that out of the four Hindus, either appointed or approached, two did not go in for their salary, and the remaining two were not allowed to enjoy their salary. After all this, I do not think it can be truly said that in refusing the Ministers' salary we were at all influenced by any communal bias. Then, Sir, it was not the Hindus alone; but a large number of Muhammadan friends also voted against the Ministers' salary. Therefore, that element—the communal question—ought not to be brought into this matter. Then, Sir, the question is whether any personal element ought to be introduced into this question. On that question my submission is this. I have heard it said said seriously that on this question of back pay, reason is on one side and sympathy and sentiment are on the other side. The question, therefore, arises whether in dealing with public revenue within the limited sphere in which we the non-official members have got any control over it, it is permissible for us to allow sentiment and sympathy to prevail over reason and judgment. Now, the position is very clear. Charity, Sir, is an excellent virtue. It is a very good thing; even indiscriminate charity we can appreciate as long as it is confined to our own individual fund. But there should be no charity at the cost of the taxpayers of the country. If you feel honestly that they are entitled to this back salary, give it by all means, and if you do not give it, you will be doing wrong.

Mr. SYED M. MASIH: Is the hon'ble member entitled to insinuate that this is a charity?

Mr. PRESIDENT: He is only using it by way of metaphor. You might excuse him that word.

Babu AKHIL CHANDRA DATTA: I want to make a distinction between those who are of opinion that as a matter of principle it ought to be allowed and those who say that if you do not allow it, it will be a hardship on them if this salary is not granted. I only say that these are considerations which ought not to have any influence over our decision. I am addressing only those who are of opinion that as a matter of principle the salary ought to be refused and not the other people who think that the ex-Ministers are justly entitled to back salary. I say to those who want to act on the principle of sentiment and sympathy that the people of the country will bring a charge of breach of trust against us if we accept this resolution.

Babu BEJOY KRISHNA BOSE: In rising to oppose this resolution I find myself labouring under a great difficulty. In the first place the mover of the resolution, Mr. P. N. Guha, does not want us to support it on the grounds of any principle or any constitutional issue, but he clearly told the House that out of sympathy to the late Ministers we ought to pass it. Dr. Moreno has said in his speech that every labourer is worthy of his hire. If it is not a question of principle, but only of personal consideration and out of sympathy for people who have worked as Ministers we are to support the resolution, I for one would be the last person to lend my support to it. A thing which cannot be supported on principle, if it is unconstitutional, sympathy ought to find no place in our deliberations. I have always complained of the tyranny of Government and I have now to complain of the tyranny of parties. Though I very well know that the discipline of the party to which I belong is likely to be impaired by my voting with the people who do not belong to that party, that is, by voting against the wishes of my party, that is no reason why I should not speak out my mind on this question. If it were a question of principle and if it were put on constitutional grounds, I know how the matter would then have stood. But as the resolution has been put before us, and as our support is sought on the ground of sympathy for certain individuals, I think I shall be failing in my duty if I do not expose the hollowness of the resolution. What sympathy does the mover of the resolution want from me when I find that the persons in whose favour this sympathy is solicited had deliberately and not in " moments of irresponsibility ", but at a time when they were occupying the position of Ministers, stated that they " were prepared for all eventualities " even if the salary demanded for them was not voted at the time of the budget discussion? I find that on the 18th March, 1924, Mr. Fazl-ul Huq, from his place here as a Minister, said that " the Ministers knew that they were not coming to a bed of roses; that they were prepared for all eventualities." Then follows a most significant line in his speech—" You need have no pity for them." A Minister who deliberately told us nearly two years back that he was

prepared for all eventualities, that he required no pity and that he knew that " he was not coming to a bed of roses "—sympathy for such a Minister is sought, and we are asked to recommend to Government to give him his back salary! Not once, but on another occasion also—it was on the 24th March, 1924, during the budget discussion—Mr. Fazl-ul Huq said that " if it was the view of the majority of the members of this Council that their salaries should not be voted and if he felt that he was to remain a Minister, he was perfectly prepared to work as a *honorary Minister*. He knew that there are honorary magistrates and, if the idea was to have honorary Ministers, he had no objection to working as such." This resolution has been tabled to-day recommending to Government that the back salaries of Ministers should be paid to them. A Minister who himself knew in March, 1924, when the budget was being discussed here, that his salary would not be voted, stated that he was prepared to work as " a honorary Minister " just as honorary magistrates worked without pay.

The other Minister, Mr. Ghuznavi, said on the same day: " My profession is not the profession of Minister: my livelihood does not depend upon it." Why should his back salary be given to him? Why should the labourer be worthy of his hire if he says, " I am here to work, not on account of the Rs. 5,000 and odd; I am here to work not because it is my livelihood, but I am here to discharge my public duties?" And in the discharge of that public duty he was ready to work without pay. The Council not once, not twice, but thrice, refused the salary of the Ministers. Why then should the friends of those gentlemen come forward to-day and demand that their back salaries should be given to them *out of sympathy?* I do not think, therefore, that the resolution and the grounds on which it has been moved demand any sympathy from the House.

Then, Sir, it has been said that the question is not a constitutional one. I read a book on logic in my college days, but I do not know much of logic, and the fine distinction that is now being made between Ministry and Ministers fails to appeal to me, and I am quite sure that it will fail to appeal to the country. I am sure that our silence will be more eloquent, more mischievous, than a vote against this motion. I cannot vote against this motion, owing to the tyranny of party discipline; I have to obey the mandate of my party. The discipline of our party has been the object of admiration to all, to those who do not belong to our party, and I do not like to do anything now which will impair the discipline of the party. But this is such an important subject, that I must speak out and record my emphatic protest against the resolution and the methods by which it is going to be passed in this Council.

Maulvi EKRAMUL HUQ: Mr. President, Sir, I very much appreciated the conciliatory speech made by the mover of this resolution, Mr. P. N. Guha, as well as by the leader of the opposition, Mr. Sen Gupta, but the speech that jarred upon the ears of some of the members of the Council came from my friends, Babu Akhil Chandra Datta and Babu Manmatha Nath Roy. I do not think that the question is a communal question at all, but when I found my friend, Babu Akhil Chandra Datta, a prominent leader of Bengal, dilating upon this point, I thought I may have to revise my notion and, as luck would have it, it was from the Swarajist camp—the camp of Mr. Datta's friend—that up came the cry of "Question" and "Question". Was it that in his protestation of being free from communal bias he was not believed by some of the members who sit on the same benches with him? It was quite likely that when some of his own friends did not believe him when he said that the question of Ministers was not a communal question and that it was not a personal question either, I am afraid the members on this side of the House or most of them can be excused if they think that with at least some of the members opposite the question of Muhammadan Ministers was both a personal and a communal one. But I am prepared to believe that none of the members on any side of the House were moved by personal or communal ground in upturning the Ministry.

The late Ministers tried to serve Government to the best of their might and, during the course of their service, they tried to the best of their ability to do good to their country. It so happened that a majority of this House thought of throwing out their salaries and, as a result of this, they had to go out of office. Now, Sir, at this distance of time, we should be able to consider the question of their salary dispassionately and say if we should not be ready to pay the wages of those who have served Government according to their own light, and I am glad to find that this House has in a way agreed that there should not be any division at all on this question.

I think, Sir, I should not fail to notice the question of principle raised by my friend, Babu Bejoy Krishna Bose. When talking of principle, I think he quite forgot that it was not easy for men dabbling in politics always to act upon the principle they propound. I know Mr. Bose was a special friend and lieutenant of my friend, Mr. Fazl-ul Huq, and I think, Sir, it was not necessary to talk of principle while thinking of giving no wages to the Ministers for the period they worked. In conclusion, Sir, I can only say that all is well that ends well, and I hope and trust that this Council will decide to pass the back salaries of the ex-Ministers.

[At this stage the Council was adjourned for 10 minutes.]

[After the adjournment.]

Babu NALINIRANJAN SARKER: The resolution before the House may at first sight appear to be a resurrection of the old question of Ministers' salaries, on which our opinion has been emphatically pronounced time after time. It is not to be expected that our opinions should change under existing conditions or that the conscientious verdict already given should be departed from without reason. But on examination of the real signification of the present resolution, I can find no sign of any attempt to exhume dyarchy from its grave and no occasion has, therefore, arisen to bring again to the bar of the House the constitutional issues mooted on previous occasions. I am unable to link to-day's proposal with the momentous constitutional struggle in which we have on previous occasions taken an active part and for which our Deshbandhu of revered memory had worked even on the sick-bed which eventually became his death-bed.

Going back to the events of March, I, as mover of the resolution, then happened to say in this House " that dyarchy must go has been the verdict of the country after a three years' trial and it was on the clear issue and distinct political mission of mending or ending the dyarchy that many of us were returned to the Council. The Ministers are nothing but the outward symbols of the system, so that the real object behind my motion is to put an end to the system itself by doing away with its symbols." Well, Sir, we did destroy the system and, so long as no question arises of reviving the system, I find no issue for an active participation and my attitude cannot but be one of indifference. What if the grave of some worthless carcass is bedecked with flowers by certain interested mourners—we should not oppose homage; even extravagant homage to the dead.

The words of the late Deshbandhu in this very hall spoken in March last still ring in my ears. With characteristic reasonableness, he enunciated the issue before us: " What do we want to destroy? What do we want to get rid of? We want to destroy and get rid of a system which does no good, which can do no good. We want to destroy—it is because we want to construct a system which can be worked with success—it is because we want a system which will enable us to do good to the masses." This, Sir, is the only question with which we are concerned in the matter of Ministers' salaries and, when this question does not arise, I hope I have made my position clear in not wasting ammunition in opposing a motion which can at best be treated as ordinary business between some member of the House and the Government.

One more word before I finish—Mr. Fazl-ul Huq on that memorable day when the Ministers' salaries were last thrown out, told us: " I have been in office for eight months, not when there was nothing but a calm sea when any navigator might navigate, but I have had to face the most stormy sea and I challenge any one to contradict me if

I lay a claim without any undue vanity that you could not find two men more devoted or who could put up a more gallant fight in face of strenuous opposition in Council than Mr. Ghuznavi and myself. We tried and we have failed." There is something in what he says; at least he tells us he has worked, although as a Government hireling whom nobody in the country wanted. However much we may condemn his action in clinging limpet-like to office in direct opposition to the wishes of the country, the present question appears to be entirely one between employer and employee for work done, and, as we are satisfied that our policy is unaffected and our work unhindered, we do not care what hire is paid or is not paid or what charity is bestowed, considering how often we have to connive at charity, whether deserved or not, in our daily life.

Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur: Sir, I confess to a feeling of delicacy in speaking on this resolution. I have no doubt that in bringing forward this proposal the hon'ble mover has been actuated by the best of motives. But if I were consulted in the matter, I would have requested him to exclude me from the scope of this resolution.

Sir, when I accepted office as a Minister for the second time, I was not prompted by any desire for financial gain. I am one of those who feel that the reformed constitution should be worked faithfully; and when I accepted office it was my earnest desire to place my humble services at the disposal of this House and to utilise such opportunities as our present constitution offers for furthering the well-being of my fellow-countrymen. There are others who hold a strong view to the contrary as regards the utility of the Reforms, and as their view prevailed for the time being, the Council did not vote any salary for the Ministers. So long as we obey the constitution, we must loyally accept the decisions of the Council, however much they may go against our individual opinions. And as soon as this House rejected the Ministers' salary in March last, I, along with my friend and colleague, the Raja of Santosh, resigned our offices most cheerfully.

We clearly saw in the vote of this House that Ministers were not wanted, though only a few days previously the Council had adopted a resolution asking for the appointment of Ministers. We did not, therefore, thrust ourselves upon the Council for a day more than we could help.

It has been a matter of regret to me that this House took up an attitude of hostility towards the Reforms; but permit me to assure you, Sir, that loss of emoluments has never troubled my mind for a moment. I have submitted to the judgment of this House ungrudgingly in this matter, and I could never ask for its revision for my personal benefit. I may not be misunderstood I am not in any way opposing the resolution.

I want to make it clear that even if the resolution were passed in its present form, I would not accept any money under its terms.

Mr. M. DAUD: My friends the Swarajists have taken up an attitude of neutrality and they have taken it up for good. The principle of the Swarajists is that dyarchy is unworkable, and beyond all shadow of doubt they have proved in this House that dyarchy is unworkable. But so far as the attitude of the Nationalists is concerned, I am at a loss to understand how my friend, Babu Akhil Chandra Datta, has made that remark that some party has committed breach of trust. I would remind him that his party has altogether forgotten what they had done on the 17th February last, when they accepted the resolution of Government so far as the appointment of Ministers is concerned. Have they not committed a breach of trust that was reposed in them? Did they oppose the resolution on the 17th February——.

Dr. PRAMATHANATH BANERJEA: On a point of order, Sir, may I offer a personal explanation. The statement made is not correct.

Mr. M. DAUD: My friend, Dr. Banerjea, has not understood me. On the 17th of February last the resolution passed in this House was whether any Ministers should be appointed or not, and some of the Nationalists voted for the motion.

(No, no, that is a lie.)

Mr. M. DAUD: It is not a lie.

Mr. PRESIDENT: Mr. Daud, you cannot address a member of the House like that. I think I also heard someone on the other side say, " it is a lie "; that is not a Parliamentary expression. Will the member withdraw that?

Dr. PRAMATHANATH BANERJEA: I withdraw. I say it is incorrect.

Rai HARENDRANATH CHAUDHURI: On a point of order. Is any hon'ble member entitled to misrepresent the recorded votes of the House?

Mr. PRESIDENT: He is not doing that.

Rai HARENDRANATH CHAUDHURI: He is doing that.

Mr. PRESIDENT: You can take your opportunity later on in your speech to point that out to him and to the Council.

Mr. M. DAUD: It is for the members of the House to say who has committed that breach of trust. So far as the resolution that has been moved by Mr. Guha is concerned, no constitutional principle is involved; it is a simple question before the House that the Ministers worked for some time, and whether any salary should be paid to them; that is the whole question. I think the members of the House will support the motion.

Mr. MAHBUBUL HUQ: Much heat has been created over this resolution, and therefore I do not want to take up much of the time of the Council. There are only two factors involved. Reason and sentiment no doubt play a great part in this question, but one thing is that the arguments brought forward by Babu Akhil Chandra Datta and Babu Bejoy Krishna Bose no doubt are very formidable and I am sorry that past utterances of some of the ex-Ministers have raised a Frankenstein in this House. The question was raised how the system of dyarchy could be destroyed in this country. In the Government of India Act there is no provision by which we can defeat the object which we had in view when we were fighting against the system. The only weapon left to us is to refuse the salaries of the Ministers, which we did. Now we have come here in order to justify our existence in the eyes of the country and we are here as human beings, and we are not here as vindictive creatures in order to punish a thing which is already passed and gone. We do want to show that we adopt an attitude of benevolent neutrality, and I think we are justified in assuming that attitude. Besides there is a feeling in the country, both among Hindus and Muhammadans, that the back salaries of the Ministers should be paid.

The Hon'ble Sir HUGH STEPHENSON: This is a question which has to be settled by the vote of the House, and Government will act according to that vote, but I do trust that if the House passes this resolution, it will also pass the supplementary demand which will be necessary to give effect to it. The events which have led up to this resolution are within the knowledge of all members of the House. I do not propose to touch on any controversial subject with regard to them. The matter is one for the Council to decide. The fact remains that these gentlemen have done the work for the period mentioned, and I take it that the Council do not wish to remain in their debt, and therefore I support this resolution.

Mr. P. N. GUHA: I have nothing much to say in reply. I express my deep gratitude to Mr. J. M. Sen Gupta and other members of his party for kindly taking an attitude which very well befits them. As to the question of the principle that has been raised by my friend, Mr. Akhil Chandra Datta, of the Independent party, well, Sir, for

obvious reasons I am not in a fighting mood to-day, nor do I wish to enter into any discussion with anyone. If time allows and if other provision over which the fighting may take place, comes up for discussion, and if my friend, Babu Akhil Chandra Datta, can muster the courage of tearing himself away from the Swarajists, I will then show him where his principle stands.

All I can say, now, is that I am deeply grateful to the different parties who have kindly supported my resolution, and I hope it will be passed.

Babu BEJOY KRISHNA BOSE: On a point of order, Sir, I heard the Hon'ble Member say that if this resolution is carried, a supplementary demand will be brought forward. In that case can we, as on previous occasions when a demand is made, move various amendments suggesting reductions from Re. 1 to Rs. 4,000?

Mr. PRESIDENT: That is a question which cannot be put to Sir Hugh Stephenson; it ought to be put to me.

The following motion was then put and agreed to:—

"This Council recommends to the Government that the salaries for the actual period of work be given to all the four Ministers who were appointed by His Excellency and who had to resign owing to the total refusal of their salaries by the Council."

The following resolutions were not put as they were covered by the decision of Mr. P. N. Guha's motion:—

Rai PYARI LAL DOSS Bahadur: "This Council recommends to the Government that a demand be made for provision by means of a supplementary budget for payment to Messrs. A. K. Fazl-ul Huq and A. K. Ghuznavi of their salaries for the periods for which they worked as Ministers and for which no salaries have been paid to them."

Babu NAGENDRA NARAYAN RAY: "This Council recommends to the Government that a demand be made for provision by means of a supplementary budget for payment to Messrs. A. K. Fazl-ul Huq and A. K. Ghuznavi of their salaries for the periods for which they worked as Ministers and for which no salaries have been paid to them."

Rai SAHIB PANCHANAN BARMA: "This Council recommends to the Government that a demand be made for provision by means of a supplementary budget for payment to Messrs. A. K. Fazl-ul Huq and A. K. Ghuznavi of their salaries for the periods for which they worked as Ministers and for which no salaries have been paid to them."

Maulvi ALLAH BUKHSH SARKAR: "This Council recommends to the Government that a demand be made for provision by means of a supplementary budget for payment to Messrs. A. K. Fazl-ul Huq and A. K. Ghuznavi of their salaries for the periods for which they worked as Ministers and for which no salaries have been paid to them."

Haji LAL MAHAMMED: "This Council recommends to the Government that a demand be made for provision by means of a supplementary budget for payment to Messrs. A. K. Fazl-ul Huq and A. K. Ghuznavi of their salaries for the periods for which they worked as Ministers and for which no salaries have been paid to them."

Maulvi TAYEBUDDIN AHMED: "This Council recommends to the Government that a demand be made for provision by means of a supplementary budget for payment to Messrs. A. K. Fazl-ul Huq and A. K. Ghuznavi of their salaries for the periods for which they worked as Ministers and for which no salaries have been paid to them."

Khan Bahadur Kazi ZAHIRUL HAQ: "This Council recommends to the Government that a demand be made for provision by means of a supplementary budget for payment to Messrs. A. K. Fazl-ul Huq and A. K. Ghuznavi of their salaries for the periods for which they worked as Ministers and for which no salaries have been paid to them."

Maulvi EKRAMUL HUQ: "This Council recommends to the Government that a demand be made for provision by means of a supplementary budget for payment to Messrs. A. K. Fazl-ul Huq and A. K. Ghuznavi of their salaries for the periods for which they worked as Ministers and for which no salaries have been paid to them."

Maulvi FAZLAL KARIM CHOWDHURY: "This Council recommends to the Government that a demand be made for provision by means of a supplementary budget for payment to Messrs. A. K. Fazl-ul Huq and A. K. Ghuznavi of their salaries for the periods for which they worked as Ministers and for which no salaries have been paid to them."

Mr. A. F. RAHMAN: "This Council recommends to the Government that a demand be made for provision by means of a supplementary budget for payment to Messrs. A. K. Fazl-ul Huq and A. K. Ghuznavi of their salaries for the periods for which they worked as Ministers and for which no salaries have been paid to them."

Mr. PRESIDENT: Hemanta Babu, one word before you move your motion. I have not yet in my possession the consent of the members whom you proposed in your motion.

Babu HEMANTA KUMAR SARKAR: I shall withdraw my motion after making a short statement.

Mr. PRESIDENT: Is it necessary to make any statement?

Babu HEMANTA KUMAR SARKAR: It is a very short statement, Sir.

Mr. PRESIDENT: Well in that case you can do so.

Babu HEMANTA KUMAR SARKAR: Sir, I have been asked by my party to withdraw this resolution which questions the sanctity of the Permanent Settlement of 1793. The Green movement in Europe has meant a vast defeat for Bolshevism.

Mr. BYOMKES CHAKRAVARTI: Sir, I rise to a point of order. With regard to the last resolution there was a division demanded quite in good time.

Mr. PRESIDENT: Well, I think that is a reflection on the President by the leader of the Nationalist party.

Mr. BYOMKES CHAKRAVARTI: I mean no reflection, Sir, but I only mention it.

Mr. PRESIDENT: Mr. Chakravarti, I heard Mr. Akhil Chandra Datta, but I heard him after I had given my final decision that the "Ayes had it". Moreover he called for it almost in a whisper. He ought to have been quicker and raised his voice a little more. In these matters you ought to be quick and bold. (Laughter.)

Mr. AKHIL CHANDRA DATTA: The position is then hopeless for old people. (Laughter.)

Mr. PRESIDENT: Order, order. Hemanta Babu, please go on.

Babu HEMANTA KUMAR SARKAR: It is my belief, Sir, that no amount of amendments of the Bengal Tenancy Act will do any good to the country. It is high time that in a peasant point of view our political policies and programmes should be boldly enunciated. The erroneous idea of land proprietorship inaugurated by the Permanent Settlement of 1793 has only given rise to a crop of litigation and thereby has caused a large income to the coffers of Government. I wanted to put a stop to that by having a scientific enquiry into that system of land settlement which has been conferred upon a certain class of people by the Permanent Settlement of 1793. But, Sir, for that I have been accused of Bolshevism. I only want to prevent Bolshevism and not to help it. I am, however, compelled by my party to withdraw this resolution, but on a future occasion I hope to bring it up again.

Mr. PRESIDENT: Then you withdraw it?

Babu HEMANTA KUMAR SARKAR: I withdraw the motion.

Maulvi EKRAMUL HUQ: Sir, I rise to a point of order. Is he not bound to ask the permission of the House to withdraw his motion?

Mr. PRESIDENT: No, not in the case of resolutions which are not moved.

The folowing motion was then withdrawn:—

"This Council recommends to the Government that a committee of the following officials and non-officials be forthwith appointed to inquire as to who were the actual proprietors of land, according to the ancient law and custom of the country, and to advise what steps may be taken to modify in accordance therewith the idea of land proprietorship inaugurated by the Permanent Settlement of 1793:—

Mr. Dwijadas Datta, M.A., A.R.A.C. (Cirencester), late Professor of Agriculture, Sibpur College.

Khan Bahadur M. A. Momen, Director of Land Records, Bengal (Offg.).

Kumar Shib Shekhareswar Ray, M.L.C., zamindar.

Mr. Ekramul Huq, B.L., M.L.C., President, Tenants' Group, Bengal Legislative Council.

Mr. L. Birley, C.I.E., I.C.S., Chief Secretary to the Government of Bengal.

Babu Atul Chandra Gupta, M.A., B.L., Advocate, Calcutta High Court.

Babu Hemanta Kumar Sarkar, M.A., M.L.C., Secretary, All-Bengal Tenants' Federation."

Piece-workers in Government Press.

Mr. K. C. RAY CHAUDHURI: After the last discussion on behalf of the Ministers for large payments, I now come to speak on behalf of poor men on small wages in order that some justice may be done to them. I beg formally to move that this Council recommends to the Government that a committee of officials and non-officials and representatives of the Calcutta Press Employees' Association be appointed to inquire into the existing system of piece-work printing in the Bengal Government Press, to consider the grievances of the employees and to propose remedies therefor.

The grievances of the piece-workers in the Bengal Government Press have been discussed in this Council in April, 1921, and January, 1922. Prior to that, viz., in 1920, just before the reformed Legislatures came into existence, there was a devastating strike in Government presses. The strike lasted for several weeks, as Government failed to remove the

grievances of the piece-workers. Brains of high officials like Sir Thomas Holland, the then head of the Industries Department, Sir A. C. Chatterjee, Sir Ernest Low, were taxed to the utmost to devise remedies. Sir Thomas admitted in his speech in September, 1920, in the old Imperial Council, that there were real grievances. I quote an extract from his speech; "It was evident that many of the men had been working unduly long hours because they could not otherwise earn sufficient wages." "It was obvious", Sir Thomas said, "that the burden of the work was unequally and unfairly distributed in such a way that some of the men were suffering possible damage to their health and consequent harm to their dependent families. We have not been content with the report of the Press Superintendent, and of the Controller, but we have deliberately encouraged the men to bring their grievances direct to us during our visits to the presses as well as out-of-office hours". A committee was formed, consisting of Sir Vitaldas Thackersey, as President, Hon'ble Mr. G. S. Khaparde, as a member, and Mr. Ascoli, the present Controller of Stationery, as Secretary. Certain concessions were sanctioned, *e.g.*, increase of the rate of piece-work which, however, did not affect the piece-workers' earnings very much, as they were already drawing war bonus, which was stopped. Mr. Khaparde, however, wrote a strong note of dissent and said: "I regard the large majority of the grievances as real and I am persuaded that the abolition of the piece system and adoption of the general service will effectually remedy them." Other concessions were made besides increase of the rate of piece-work with promise to revise these rates from time to time—grant of leave of 16 days in the year—modification of pension rules. In addition to these minor concessions, the Government of India issued certain orders on the 15th of July, 1920, affecting the printing presses in Calcutta and elsewhere and I shall presently show that these orders were not properly carried out so far as the Bengal Secretariat Press is concerned.

I have quoted extracts from Sir Thomas' speech to show that he did not rely on the report of the Superintendent of the Press and also that he was not afraid of any committee that might enquire into the grievances of the press employees. I would just take a couple of minutes to give you a rough idea of how the piece-workers fare at the Bengal Government Press at Alipore. Take the case of a piece-work compositor, and we have something like 180 of them. He has to depend on a salaried section-holder for the distribution of his day's work. After the allotment of the work he has to indent for types from a salaried store-keeper, and the third salaried man who comes into play is the case or type-supplier, and the fourth man is a porter, also a monthly paid servant who carries the case of types from the case-supplier to the compositor. I have described only a few links of the chain of the piece-work system, a chain that I shall explain to you presently goes round the neck of the poor compositor and makes him under the

system a sort of slave. The compositor is at the mercy of the first three salaried men for starting his day's work, and any dilatoriness on the part of these three men at times cost him ½ to 1½ hours' loss of time. After the composition, he takes the matter to the galley proof pressman, another salaried link of the chain. The pressman takes an impression and sends the proof through a porter to the compositor, who has to see the section-holder again and subsequently the first proof reader, a salaried man. After correction, the compositor has to pay a second visit to the pressman for a second impression and thence back to the section-holder and to the second proof reader. The chain goes on—a third impression has to be taken and correction has to be made by a salaried reviser. After further correction, a fourth impression has to be taken, which is called a clean proof, and is sent to the author as final proof. It is clear that a compositor has to depend on at least nine salaried men from allotment to completion of work, and, if any of those men fail to do his work properly, the poor piece-worker's time is lost. My complaint is, Sir, the system is a vicious one and the poor compositor has to move in a vicious circle. The salaried men are under no obligation to do their work promptly. This goes on everywhere, as most of the employers present here will bear me out, whether in a merchant's office, in a mill, in a Railway office or a Court, or even in a Bank. Promptness is not the order of the business in this country, excepting perhaps in the race-course betting enclosure. It is no exaggeration when I say that the dilatoriness of the salaried links of the chain causes tremendous hardship to the piece-workers. It is on account of this and for other reasons that they have no piece-work in the large printing presses owned by the Bengal-Nagpur Railway, by the Eastern Bengal Railway, by the Calcutta Corporation and by the big commercial presses in Calcutta—the Edinburgh, the Caledonian, Lalchand's and the newspaper presses of *Statesman*, *Patrika* and other papers. My point is that industrialists and commercial men, who are out to make money, have discarded the piece system as not paying to them. They must have been convinced that part salary or time-work and part contract work in an Indian press cannot possibly conduce to co-operation, especially in India, where position and office very often results in abuse of power. Mr. Christie, of the Caledonian Press, in his evidence before the Thackersey Committee, said that he had tried the piece system, but had abandoned it owing to the fact that for their work the system was unwieldy and expensive, as it involved an additional accounting establishment. To add to the miseries of the piece-workers, which I shall describe presently, labour-saving appliances, such as Lino and Mono machines, have lately been introduced, and these machines, which naturally cost the jobs of many, are used for printing matter which proves more profitable to the piece-work compositors than ordinary solid work. I am told that Lino operators in the Government of India Press are salaried hands,

whereas those in the Bengal Press are piece-workers. I am told by an authority on printing business that these labour-saving appliances, Linos and Monos, do not cause any saving in the cost of printing. I shall not detain you many more minutes before I finish. Will Mr. Donald be kind enough to say, why men working over 10, 15 and even 20 years, have not been taken on as permanent hands? Is it not a fact that the transfer of compositors from temporary to permanent establishments depends on the sweet will of the officers? Will Mr. Donald kindly explain why the Superintendent of the Press did not carry out the orders of the Government of India, dated the 15th July, 1920, on this point? I quote the following from the orders: "With a view to remove one of the principal grievances of men on the temporary establishment, the Government of India have also decided to transfer a large proportion of such men from the temporary to the permanent establishment." Will Mr. Donald kindly explain why the orders of the Government of India regarding the institution of a provident fund on the lines of State railways were not carried out? Will Mr. Donald be good enough to explain why the orders of the Government of India regarding formation of works committees, composed of representatives of different classes of workers and supervising staff, were not given effect to? I have a personal connection with the formation of these committees. As an outcome of my resolution on industrial unrest and after close investigation, Sir John Kerr, the President of the Industrial Unrest Committee and other members of the Committee, strongly recommended the introduction of works committees in many industrial establishments as a machinery to handle many petty grievances. In fact, if a works committee existed in the Alipore Press with representatives of piece-workers and salaried staff, the question of dilatoriness on the part of the supervising hands would have been easily settled. I am told that the Bosses of the Press were opposed to the formation of a works committee. If it is so, I think their action must be strongly criticised, for I am convinced, from practical experience, that a works committee of the right type removes friction between the supervisors and the workers. In fact, there is a works committee of this kind in the Government of India Press.

Sir, I shall now deal with the question of pension of piece-workers. Mr. John Kerr (now Sir John Kerr), in his speech in this Council on the 22nd January, 1922, said: "Then, as regards the question of the average earnings to be taken into calculation in arriving at the pensions of piece-workers, the Council probably knows that in cases of ordinary servants of Government their pension is half the average salary of the three years preceding their retirement. It has been represented that as regards the piece-workers this system does not work fairly, because a man's efficiency at his work in earlier years falls off during his later years. A man of fifty is not so skilful as a younger man; his finger gets stiff, gets rheumatic, and so on, and his work suffers. In order

to obviate any hardship in this respect, the rules already lay down that the pension of a piece-worker shall be calculated on his average earnings for the last six years' service."

Sir, I have taken the figures of earnings from a piece-work compositor of the Bengal Press. His age is 51. He has been working for the last 24 years and he tells me that his earnings have fallen from Rs. 90 to Rs. 40 in 12 years. I have taken the earnings of another man of 46 years; it has fallen from Rs. 100 to Rs. 65 in 8 years. I therefore appeal to Mr. Donald to reconsider the Pension Rules and check the figures and revise the rules from a humanitarian standpoint. I know of a case—the case of Chandi Charan Dey, an ex-compositor, who served the Bengal Government Press for more than 23 years. This fellow was declared invalid by Government doctors and recommended for pension by the then Deputy Superintendent of the Press, but, alas! he got nothing; and what is he doing now? He is begging in the streets of Calcutta! This old man, with a record of 22 years' good service to his credit, is begging! I can give you many more instances of miseries of ex-piece-workers. Sir, these piece-workers are recruited from the class known as *bhadralog*—the lower middle-class—in a sense the backbone of articulate Indians with a fair amount of education and high standard of living.

They work harder than the office clerks and have more unity and fellow-feelings. They organised a Union known as the Press Employees' Association. The strength of that Union was so great in the past, that men like Sir Thomas Holland had to negotiate with that Union during the great strike in 1920, and even the late Mr. C. R. Das, our leader, helped them with funds. My point is that, unlike the loose organisation of industrial workers, who only combine during a strike, the Union of the press employees is capable of offering fight.

Sir, piece-workers do not enjoy the benefit of public holidays, Sundays, privilege leave, casual leave and medical leave, like the salaried hands. "No work, no pay" may be all right as the guiding principle of leave rules framed by the shareholders of an industrial concern. The Bengal Government Press is not conducted for the benefit of any shareholders and is run or should be run as any other Government establishment, viz., with due regard to efficiency and subject to all reasonable economy and the good opinion of the general public. We hear so much about running Government presses on commercial and industrial lines. State or municipal undertakings, and I wish there were more of them in India, can never be run on purely commercial principles, viz., profit and competition, for the simple reason that workers in State establishments are tax-payers as well as wage-earners, and their health and comfort and well-being and standard of living must be carefully protected. We all know that the Eastern Bengal Railway is not a paying concern, but

that is n why wages and condition of work of employees of that important system of railway should be in any way inferior to any other branch of State railway. There are hundreds of mechanics employed in the Engineering Department, Loco and Carriage Works of the Eastern Bengal Railway at Kanchrapara, Saidpur, and elsewhere. Are these mechanics employed as piece-workers? Decidedly not! Jessops and Burns and John King, executing large mechanical orders, pay their labour on piece system. Why, because it pays them to do so? I have not the least doubt that the Eastern Bengal Railway or East Indian Railway or any other railway will effect savings if they adopt the piece system; but they know that their savings will be absorbed by extra supervision and accounting establishment. I can give you facts and figures taken from a private press in support of my contention and can very easily demolish the bogey of running Government presses strictly on economical and commercial lines. Only yesterday Reuters announced that £20 millions sterling was paid as subsidy to coal miners on the same principle that I demand to-day.

I visited the Press last Monday. Mr. Norton, the Superintendent, who has jealously protected the interests of press employees, showed me round the Press and explained to me the working of the piece system. There was the universal cry there among the piece-workers for abolition of the system. A piece-man told me in the presence of Mr. Norton that he was ill for six weeks, and had to incur heavy debts; and that since his return to the Press last week his physical weakness prevents him from making even half his normal money. Of all the grievances that I discussed with the men and Mr. Norton, none is so strong as this question of leave. Under the present rules they are only entitled to 16 days' leave in one year. I call this absolutely unjust and iniquitous, for I know from personal experience that the Bengalis of the compositor and distributor class cannot possibly keep good health and appearance and attend to many of the social and religious functions with 16 days' leave in the year. When I met these men on Monday, in the presence of Mr. Norton, I saw paleness and cheerlessness written largely on the faces of these piece-workers and drew the attention of Mr. Norton to this. After all they are State employees and they should be treated on the same basis as other State employees. There is, for example, a partial piece system in the East Indian Railway Press in Fairlie Place and the piece-workers at the Press are entitled to 30 days' privilege leave and 30 days' casual leave and medical leave, practically on full pay, based on average earnings. Why should not the same system be introduced in another branch of the State service, viz., the Bengal Government Press? Sixteen days' leave in the year and no pay for Sunday and public

holidays and no medical or casual leave—this must be condemned, no matter what the Government of India has to say about this. They must have the same leave rules as the piece-workers enjoy in the East Indian Railway Press, viz., one month's privilege and one month's casual or medical leave, or whatever may be the East Indian Railway rules. There can be no question about this, and if we had dyarchy functioning to-day, and there is a Minister controlling the Government Press, he would have abolished the present iniquitous rules of leave. Why, Sir Surendra Nath Banerjea, when a member of the late Imperial Council, strongly supported the case of the piece-workers, and did it from personal knowledge, because he was the owner of a press. Why even Mr. C. R. Das, the President of the Press Employees' Union in 1920, fought the case of the press workers and, if I am not mistaken, our Hon'ble President had great sympathy with the case of the piece-workers. I say, therefore, that apart from any other grievances, the question of leave must be thrashed out, and that the best way to do it is to appoint a representative committee and, if that committee decides after full investigation to modify the leave rules, the Hon'ble Mr. Donald will no doubt do his best to remove the cause of great suffering of the piece-workers at the Kalighat Press. I quote from a speech from our Late Minister, Sir Surendra Nath Banerjea, which he delivered at the old Imperial Council in 1920. He said: "These men cannot work for 12 months without a holiday. There are seasons and occasions when they feel sick and when they cannot work. These were the points which I ventured to press upon the attention of Mr. A. C. Chatterjee, when he met in Conference to consider this matter, and he was good enough to tell me that they would receive attention. The appointment of a committee would strengthen the hands of the Government. If the committee support the position of the Government, that could enormously strengthen their hands." In the words of Sir Surendra Nath I appeal to the Government to accept a small committee for investigation of the grievances of the Bengal Press piece-men and adopt such modification of the system in the Bengal Press and the leave rules as may be recommended by the committee.

Sir, I am sure if the committee makes any recommendations, Mr. Donald will give effect to them, and I am sure he will not burk an inquiry. If he does, it will be misunderstood, and people will come to the conclusion that there must be a lot of things which the Government are not willing to publish. With these words I commend the resolution to the House.

Maulvi Md. NURUL HUQ CHAUDHURY: Sir, I could not get the consent of the Hon'ble Mr. Donald and Mr. Martin, the Labour Intelligence Officer; so, I omit their names from my list.

I move, by way of amendment, that in the motion of Mr. K. C. Ray Chaudhuri—

(*i*) lines 2 and 3, for the words " officials and non-officials and representatives of the Calcutta Press Employees' Association " the words "the following members and two members of the Press Employees' Association to be nominated by them, five to form a quorum " be substituted; and

(*ii*) the following be added at the end, namely:—

(1) Mr. K. C. Ray Chaudhuri;

(2) Mr. N. C. Sen;

(3) Mr. S. N. Haldar;

(4) Maulvi Amanat Khan;

(5) Mr. Mahbubul Huq;

(6) Maulvi Wahed Hossain; and

(7) Mr. D. N. Roy, Barrister-at-Law.

Mr. M. DAUD: This piece system was introduced for over half a century ago before which the salary system was in vogue. Since then the principle is one of no work, no pay. These piece-workers, moreover, do not enjoy any holidays or Sundays or half-holidays. This is the principle on which the piece-workers are working at present in Government press. At the time of the change, hopes which for sometime were not falsified were held out that the employees would be gainers thereby because at that time the section-holders were getting a certain percentage on the total earnings of the piece-workers belonging to their sections, and it was to their interest to see that piece-workers earned as much as possible. But the practice was soon put a stop to and the section-holders were put on fixed pay and at present their income to a certain extent depends on the whims of the section-holders who are not at all mindful of the loss of time to piece-workers and for the prompt distribution of work.

(At this stage the Hon'ble the President left the Chamber and Raja Manmatha Nath Ray Chaudhuri of Santosh took the Chair.)

In the year 1914 Mr. Gilbert, the then officiating Superintendent, passed an order that all " Statement " work, which was then profitable to piece-workers, should be done under " solid " system. The change, since carried out, has seriously reduced their earnings and what is more, practically all " Statement " work is now done on the Mono machines. There are three departments which are at present paid in piece-rate system, viz.: (*1*) the Lino Department, (*2*) Composing Department, and (*3*) the Printing Press Department. But the clerical staff, officers, readers and heads of the three departments are

paid according to fix pay system and enjoy all the privileges which are sanctioned under Government rules and regulations whereas these piece-workers cannot have full satisfaction of their work. They have no privilege leave and other advantages enjoyed by other Government servants.

Sir, in the Lino Department, Lino operators in all other offices in Calcutta such as in all English daily newspaper offices, and the Government of India printing office are paid according to the salaried system with yearly increments varying from Rs. 50 to Rs. 175.

But in the Bengal Government Press the operators are paid in piece-rate system which is quite inconvenient for them to earn properly in comparison with other offices mentioned above, because there is no standard of work and there is also no fixity of work in the Government Press. In some other parts of India, such as Bombay, some printing offices established the piece system, but their rules and regulations are far better than those in force in the Bengal Government Press. They have kept only one sort of work in one measurement, so that all the employees can earn proportionately according to their ability. There are many other rules which I cannot mention within this short space of time. The real difficulties are that piece-workers are not paid any emoluments for Government holidays including half-holidays on Saturdays and Sundays, and there is no privilege leave for them. Now, what are the difficulties that prevent these workers from earning their proper share. The difficulty is that it is always seen that the Lino-machines are worked in defective conditions for shortage of mechanics, there being no efficient mechanics to look after these machines. As soon as the machine is out of order, it cannot work and consequently the piece-workers cannot work and the poor operators suffer pecuniarily on the principle no work, no pay.

Now, several sorts of work are composed—some of which are intricate and take longer time and some are easy. This work cannot be properly distributed, and so some people gain while some people loose in their earnings. If there is no lino-work, favouritism takes place. Nominally there is a rule for giving the charge, *i.e.*, payment of operators for the stoppage of machines due to mechanical defects or shortage of copy. For these stoppages the operators have always to depend on the recommendations of mechanics or section-holders and overseers who do not justice to these piece-hands, as they are being highly paid by the office and they want to please the higher officers by cutting the earnings of the piece-hands. And here also the question of favouritism comes in. If one can satisfy the man in charge of the department he will say—the machine is all right, you can work; if he cannot satisfy him, then for a very slight defect in the machine he will say—I cannot allow you to work. Naturally they have to go back to their house without any earning. This is the justice that is

being done to these workers. For these reasons I heartily support the resolution moved by K. C. Ray Chaudhuri that this system should be abolished, but before the system is abolished my friend has made a very modest suggestion that there should be a committee and let the committee enquire into their grievances and then a decision can be arrived at with regard to this matter.

Babu AMULYA DHONE ADDY: Sir, I have much pleasure in supporting the resolution which has been ably moved by Mr. K. C. Ray Chaudhuri. I am a resident of the locality in which the Alipore Press is located. I come across the men who work in the Press now and then and have heard their grievances from time to time. I have personally enquired into some of their grievances and I must state that though some of these appear to me to be fictitious, there is not the slightest doubt that most of them are real. Sir, these people have submitted an appeal to the members of this Council stating some of their grievances and I find that of the grievances which have been stated, the following appear to be real. They say that piece-workers do not enjoy the benefit of the public holidays, including Sundays, privilege leave, casual leave and medical leave like the other half of the Press, *i.e.*, the salaried establishment. Holidays mean loss to their earnings but at the same time holidays are of the utmost importance considering the very hard labour they have to undergo. In case they are absent, the period of absence is deducted in such a way as to render their chance of earning a pension a remote possibility, while the salaried staff are sure of a pension after serving for a prescribed number of years. Then they state that it is a well-known fact that as they advance in years their working capacity decreases, and with it their earnings, while the income of the salaried hands increases with years.

Dr. H. W. B. MORENO: On a point of order. Sir, is the hon'ble member entitled to read from a paper which is not duly signed by any responsible person?

The CHAIRMAN (Raja Manmatha Nath Ray Chaudhuri of Santosh): I think he is perfectly entitled to read from any paper he holds in his hand, unless there is anything objectionable, and in case you have any objection to take or if you wish to refute any statement, you can speak later on and do so.

Babu AMULYA DHONE ADDY: Thank you, Sir. That is the sum and substance of the grievances which, in my opinion, after proper enquiry, appear to be real.

Now, the suggestion which has been made by Mr. Ray Chaudhuri appears to be a modest one. He does not ask us to grant the prayers of these employees at once. What he suggests is to appoint a committee—a committee not only of the representatives of the aggrieved persons and non-officials, but also of officials, and he wants this committee to enquire into their grievances. I know that as a matter of fact their wages under the piece system have been increased, but their earnings have been coming down from year to year, and, Sir, it is most desirable that an enquiry should be made into their grievances—otherwise the result will be disastrous—disastrous to the public, disastrous to these persons and disastrous to the Government especially because, if you do not enquire into their grievances, if you defy their united prayer, they might create disturbances—they might go on strike. Under these circumstances it is most desirable that their grievances should be enquired into by a committee consisting of officials and non-officials.

Mr. H. BARTON: Sir, the mover of this resolution has gone very fully into the case. He has covered practically all the grounds and there remains very little to be said. Assuming that all he says is correct, then I must say that it is a very deplorable state of affairs altogether. One naturally expects that Government as an employer of labour should set an example to other employers; but in this case it would appear that the example that has been set by Government is a very bad one. Regarding printing presses, I happen to have connection with a printing press myself. It was once suggested to me that I should follow the system of Government on the piece-work lines. Not understanding what the system was, I asked to be supplied with the necessary information, and after going into it very thoroughly, I came to the conclusion that any man holding a press and working under that system could not have much humanity. The system is a driving system. It enervates a worker to an extent which can hardly be expressed; and, as has been pointed out by the mover of the resolution, the nature of the work is such that, after a number of years, the compositor finds himself becoming gradually handicapped and less and less able to give that particular outturn which would bring to him a sufficient remuneration. I am rather backward about expressing myself too freely in regard to the attitude of Government towards its subordinate employees. But my experience in this connection has been that, while Government shows great concern for the higher officials, they have the least sympathy and least consideration so far as the subordinate ranks are concerned. Any attempt on the part of these workers to put up a case or to submit their grievances is generally resented as a piece of impertinence or, if the worker happens to be a Government servant, it is termed insubordination. I had a little bit of that experience myself and very recently too. If a class of workers

feel that everything is not quite right with them, it is perfectly right that they should endeavour to bring it to the notice of their employers; and if the employer is a reasonable person and if he wants to realise the best from his workers, he will surely feel that he must treat the workers considerately and sympathetically. It is not asking too much to have a full investigation into the matter; and if the employer—in this case the Government—shirks that enquiry, it is quite clear that everything is not right there and that they are afraid to bring the matter into the light of the day. Now, the request put forward in this resolution is a reasonable one: and, assuming that all that has been said is correct, I do not think that Government will be unreasonable enough to refuse such a reasonable request. It will cost them nothing—the enquiry will be held in Calcutta—no one will have to be brought from other parts of India and this would have involved Government in a certain amount of expenditure, they are all on the spot, and I think Government will be rendering a service not only to the employees, but also to themselves by making an enquiry that is here asked for.

Reference has been made by a speaker to a strike which took place some time ago. Well, on the question of strikes one has to be very cautious indeed. My experience is that Government is not always intimidated by strike threats, they are always ready to meet the situation should their employees take that step, and I have always been rather inclined to doubt whether these strikes lead to anywhere; but certainly in the present case, if these employees are goaded to take this step, I say, Government will not be able to meet the situation as easily as may be expected. Personally I feel that Government should avail themselves of this opportunity, and appoint a committee to investigate the whole matter.

Personally I feel that this particular class of worker has a right to come to this Council for redress. If the worker feels that he is neglected, and his endeavours to obtain redress from Government in the ordinary way fail him—I understand the workers have an Association, but whether that Association have approached Government to give them a committee of enquiry has not been stated by the mover of the resolution. I think they ought to be heard. Even so it is my experience that if this Association endeavour to have some sort of investigation by the authorities who are responsible for the work in the press they are more or less likely to have it, but in this resolution a particular request is made that a committee be appointed to go into the grievances of these employees. They come to this House to help them in this matter and as the request is a very reasonable one I do not see why the House should refuse it.

[At this stage the Council was adjourned for 15 minutes.]

[After the adjournment the Hon'ble the President in the Chair.]

The Hon'ble Mr. J. DONALD: One might think, Sir, from some of the speeches that have been made that there is grave suffering and grave discontent at the press at Chetla. This is not the case. There is not a more contented body of men really than the men in the press. There was, as Mr. Ray Chaudhuri has mentioned, a committee in 1920 which dealt with press matters and ever since that time we have been improving things in the press, and we had no complaints. Suddenly without any personal representation to the Superintendent, without making any complaint or without any representation whatever, the employees sent in a memorial to Government. They had had no grievances before that; everything was done suddenly and without giving the Superintendent any chance of hearing or redressing their alleged grievances the workmen sent in a memorial to Government. If they had any real grievances surely one would have expected that they would mention them to the Superintendent, so the charge that there is grave suffering and discontent in the press falls down entirely. It would be quite a different thing to come and ask for a committee of enquiry if they had any grievances and had brought them to our notice. So far as I know they never talked about them at all; they merely sent in a memorial which has been dealt with and turned down. They might have said something and as they have not done so it cannot be said that there is grave suffering and grave hardship among them. The conditions are indeed such that we could without the slightest delay or difficulty replace the whole of the staff. There is not the slightest inclination on the part of any one to leave the press. If we look at the memorial, and we have had some extracts from it, there is not a single suggestion in it that the wages they are getting are not living wages and not at all fair. As a matter of fact, with reference to Mr. Barton's remark that their labour is extremely severe and arduous, I may say that they have been working far less hours than is permissible under the Factories Act. They have, owing to a misinterpretation of the Act, been working for only 40 to 50 hours a week.

Dr. BIDHAN CHANDRA ROY: May I enquire from the Hon'ble Member what the memorial consists of?

The Hon'ble Mr. J. DONALD: I shall come to that shortly.

Mr. Ray Chaudhuri referred to a resolution of the Government of India dated the 25th July 1920 and he asked me why we had not carried out several of the orders of the Government of India contained in that resolution. The answer is simple. That resolution applied to the presses under the control of the Government of India and not to the Bengal press. We deal with our own press as we think best and the Government of India's orders were not binding upon us.

Now the memorial started by asking for the introduction of a time-scale of pay. These piece-workers wanted to be placed in the same position as the permanent clerical staff. They would like when they get older to get more pay and do less work. That is a position we cannot undertake to agree to at all. They are industrial labour and not clerical labour, and cannot be put on the same footing as the clerical staff. This question of piece-work was dealt with by the Piece Workers' Committee of 1922. That Committee dealt with the piece-work system in all its details. Those who would like to study this question fully might read the Piece Work Committee's report. Here I may briefly mention the grounds of objection to its replacement by any other system. In the first place we must remember that the work in a Government press is quite different to the work in private presses. We have straightforward solid work continuously going on; it is quite different from the ordinary job and contract work of private presses. The conditions in the two are quite different and this is one of the reasons why presses adopt a different system to that followed in the Government press. Of course a slacker would like to go on a time-scale and draw as much money for as little work as he can as the zealous worker who is energetic. If we had a salary system on the time-scale, or whatever system may be followed, the first thing that would happen is that there would be a great reduction in the outturn of work of the existing staff and this would mean a great increase in the cost of establishment to cope with the work. It would also mean that the workers would have to go on to a salaried or wages scale similar to that in private presses and the effect would be that they would draw much less pay than they are drawing now. They ask for a time-scale now Well, as a matter of fact the piece-worker has what is called a grade pay. A piece-worker has a certain grade of salary which he is paid when he is doing work which cannot be determined by the piece. This gradually improves according to his earnings as a piece-worker. As his piece earnings improve his grade pay improves and he secures the benefit of this when on hour work and for the admissible days of leave. This is more like a salary which corresponds to the market rate. If we adopt the system followed in private presses of salaried wages it follows that the men will be paid by the hour and not by the piece, they will get less than they are drawing now, and it is more than likely that they will not do very hard work if they can get pay by doing as little work as possible.

Further under a salaried system or a time-scale extra supervision would be required to see that the workers do not slack. This means a considerable increase in the supervising staff. Then it is difficult to get rid of the slacker. Private presses can get rid of slackers very easily but in Government institutions it is one of the hardest things on earth to get rid of the slacker.

I would like here to mention what the employees themselves really think about this question. In the year 1915 the binders of the press actually applied to go on piece rates; we allowed them to do so temporarily for one year and they liked it so much that it has been going on since. It has been asserted that it is the salaried men who do all the damage and create grievances among the piece-workers, yet in the memorial mention is not made of all the salaried men but of one class only. They have nothing to say about the section-holders, but only about the time-checkers.

However let me turn to the grievances, the so-called grievances in the memorial. I beg your pardon; there is a reference to section-holders. They do mention them, but it is the time-checkers who are said to be responsible for cutting their earnings. The first reference is to a decrease in earnings. Now the piece-workers' earnings to some extent must depend on the amount of work they do; and consequently if we keep the same number of men the wages of the workers must fluctuate with the amount of work to be done. If the work that has to be done by the same number of men diminishes it is natural there might be a diminution in the earnings of the men generally. We could easily maintain the earnings to the same rates if we got rid of some of these men on the temporary staff, but it may be that in the following week or month there comes a larger rush of work and we have to get these men back to work again. We have accordingly to adjust things as best as we can, as the outturn in work fluctuates. And it is preferable temporarily to allow a small fall in earnings while keeping all the men, than to keep up the rate for a few and discharge others to earn nothing. We cannot adjust constantly to meet fluctuations of work and it is possible that wages may go down at one time and up at another. If work shows a steady diminution, then wages can be kept up by getting rid of the superfluous men.

Mr. Daud has referred to the second grievance, the change to "solid," and has said that the saving to Government has come out of the earnings of the workers. The change, I may say, has resulted in the saving of many lakhs to Government, but this did not come out of the earnings of the workers. With the reduction of work which it produced, the number of men employed had to be reduced, and this change did not affect the remaining workers in any way; it was all a case of adjusting numbers employed to the work remaining to be done.

Then the next statement that was made is that there is a gulf of difference between the earning of the piece-workers and that of the salaried hands. This was not the case when the memorial was submitted—for when salaried posts for which the piece-workers were qualified became vacant, the piece-workmen would not take the appointments because they were themselves earning more as piece-workers.

We have altered this since the memorial was submitted, by raising the salary of the posts to which they could aspire, in order to induce them to accept these posts, and they will now get the advantage of it.

The next complaint is that these men are at the mercy of the time-checkers who cut down their earnings. The situation is other than as represented, for as a matter of fact the time-checkers were very slack and were not cutting the times sufficiently. The Deputy Superintendent himself made an experiment in order to find whether they were charging correctly and he found that work was being overcharged and actually what had taken 4 or 5 hours previous to his enquiry was found possible in 2 to 3 hours.

Then, it is said that these men do not enjoy the benefit of public holidays. They do enjoy the public holidays, but naturally they do not get paid for Sundays and holidays—they do not work on those days—this is the essence of the piece-work system.

In regard to this same question of leave, these men talk of the unhealthy conditions under which they have to work. Well, I would ask anyone here to go round and see the Press in which these men work. He will find no better Press in India—no better, no more airy, no more comfortable building than our Press, where the conditions are ideal. These men talk about unhealthy conditions? They do not exist.

Now, about the leave they get as piece-workers. They get 16 days' leave annually credited to them to cover absences during the year. At the end of the year they are given a sum equivalent to their grade pay earnings for 16 days to cover the days they have been absent. As a matter of fact, some of the men do not absent themselves for the 16 days. So in addition to their grade pay for the full 16 days they actually draw their actual earnings for part or all of the time which this concession is intended to cover. So, there is not much in the complaint, when we find them working on the days when they are supposed to be on leave. Under this system they drew last year as much as Rs. 7,000 as extra leave pay in addition to their own.

As to pensions for these piece-workers, there is nothing in the complaint, and an examination of some of the pension papers will show that there is nothing to complain of on this score.

I think, Sir, that these remarks cover the different items contained in the memorial, and as I have said there is nothing in these items. We are carrying on the system which a committee only 2 years ago laid down as the best system for Government presses. If we make a change from that system, the expenditure would be so great that it might be far cheaper for us have our printing done in outside presses. Is it

better that we should spend more in sending our work out to private presses, letting our labourers also go there and earn much less than they are doing now, or to have a contented staff drawing good pay and working under conditions second to none in India and at more economy to Government? As I have said, there might have been a case for enquiry into these so-called grievances if they were real and if we had turned them down after hearing all they had to say on the subject. No complaints were made to us verbally and it was all on a sudden that we get a memorial without any warning. I do not believe for a moment that there is any grievance on the part of the workers, and if there is any, I am quite willing, as is Mr. Woodhead as well, to go into the matter. I may also add that they have no better friend than Mr. Norton. If they will come to us with anything they want to complain about, we are quite willing to see to it, but they have not done so, and, until they do so, and not come behind us in this fashion, I am not prepared to agree to the appointment of a committee.

Mr. K. C. RAY CHAUDHURI: I have listened with great patience to the points mentioned by the Hon'ble Mr. Donald in replying to my resolution. His first point is—why did not these press men go to Mr. Norton and complain. The reason for this is obvious, because they knew very well that Mr. Norton's hands were tied with regard to the question of leave and pension and therefore they got up this memorial and submitted it on the 22nd of January through Mr. Norton and the Hon'ble Mr. Donald to the Governor. Was not that sufficient notice that there were plenty of grievances? Did Mr. Norton tell the press men that if there were any grievances he would deal with them? He was rather annoyed, because a memorial was submitted.

His next point was that the Government of Bengal did not follow the recommendations of the Government of India. The Hon'ble Mr. Donald himself has admitted that the Government of Bengal followed the Government of India's recommendations when they introduced the pension system. Why take a part of the recommendations and not follow the whole. After all you ought to have altered the conditions of those working in the press according to the orders of the Government of India after the committee sent in their recommendations. Well, Sir, he says that if the salaried system was introduced the men would earn less, but we all know that the Calcutta Corporation have got the salaried system and do the men there earn less than in the Government press?

His third point is that the Government of Bengal press has a special kind of work to do, but does not the Calcutta Corporation press do similar kind of work? Have they not reports to submit, agendas to print, and all sorts of statistical work to do? All these are exactly of the same character as that of the Bengal Government press. Then

the Hon'ble Member mentioned the case of the slackers. Laloband and the Caledonian press pay salaries. Are they thereby encouraging slackness? I know that in Government employment there are more slackers than in the private presses. In the law courts why do they grant two or three months' leave? In the High Court the clerks get two months' holiday in certain departments, and why in the case of the press workers you apply the rigours of commercialism? Why don't you apply the rigours of commercialism to the employees of the High Court? He then said that the men were offered the salary system, but they refused it because in that case their earnings would be less. Here I have got a statement signed by two hundred men in which they say that they want to work on time system and are willing to accept any salary, even the same salary as the private presses pay. If there are slackers in the private press they can get rid of them by dismissing them. In the Eastern Bengal Railway press they have got the salary system and surely the Eastern Bengal press is not a private concern and since they have got that system, are we to suppose that they are encouraging slackers? The Hon'ble Member said that when 16 days' leave was offered, the men did not avail themselves of it, and preferred to work. This is due to the simple fact that they cannot make both ends meet and in order to get a few more rupees they preferred to work. I know of men who are in debt and in order to pay off the debts they have got to work on holidays. The Hon'ble Member said that in regard to pension he was following the orders of the Government of India and may I ask why he did not follow their orders for instituting provident fund? He takes only part of the recommendations and ignores the rest, because it does not suit him.

Then I think Mr. Donald has not replied to any of the other points. His reply was very vague. All the argument that he has adduced is that there is no demand for extra leave and that these men work on holidays without taking any leave. This I have replied to. Hon'ble Mr. Donald failed to reply why provident fund and work committees were not introduced in Bengal press as recommended by the Government of India.

The following amendment of Maulvi Md. Nurul Huq Chaudhuri was then put and lost:—

"That in the motion of Mr. K. C. Ray Chaudhuri:—

(i) lines 2 and 3, for the words 'officials and non-officials and representatives of the Calcutta Press Employees' Association' the words 'the following members and two members of the Press Employees' Association to be nominated by them, five to form a quorum' be substituted; and

(*ii*) the following be added at the end, namely:—

(1) Mr. K. C. Ray Chaudhuri;

(2) Mr. N. C. Sen;

(3) Mr. S. N. Haldar;

(4) Maulvi Amanat Khan;

(5) Mr. Mahbubul Huq;

(6) Maulvi Wahed Hossain; and

(7) Mr. D. N. Roy, Bar-at-Law."

The following motion was then put and agreed to:—

"This Council recommends to the Government that a committee of officials and non-officials and representatives of the Calcutta Press Employees' Association be appointed to inquire into the existing system of piece-work printing in the Bengal Government Press, to consider the grievances of the employees and to propose remedies therefor."

Provision for the primary education of the depressed classes.

Mr. PRESIDENT: In regard to item No. 16, there are two other motions analogous to it, viz., Nos. 35 and 61. If the movers of these resolutions are prepared to move them as amendments, they may do so, otherwise their resolutions will fail after a decision has been reached on resolution No. 16.

Dr. MOHINI MOHAN DAS: I move that this Council recommends to the Government that Rs. 2,00,000 be earmarked every year in the Educational budget for the primary education of the students of the depressed classes.

He spoke in Bengali, the English translation of which is as follows:—

"Sir, though a Swarajist, I have been compelled to put before the House this resolution by the urgency of the matter and I can say that if we had real power I would have either asked for a crore of rupees for the same purpose or moved for the introduction of compulsory primary education. Most of the money provided in the education budget is spent on higher education and for the Inspecting Staff, and thus the community for which I make this demand and which is composed of 80 per cent. of the total population goes even without efficient primary education.

Our community wants primary education. It has no need of higher education which is beyond its means and which is unsuitable for its conditions of life and its purposes. We are told both by Government and by our fellow-countrymen that education alone can lead us to Self-Government but, in practice, we do not see that anything is being done for the spread of education. A large part of the social body is lying inert for want of education and is frustrating by its inaction all our agitations for Swaraj. It is, in fact, an obstruction in the path of Swaraj. We realise that suitable measures for the education of the depressed classes cannot be taken without Swaraj. But we must, in the meanwhile, give them what enlightenment we can and thereby help them to realise their situation and consequently I approach the House with this demand for a paltry sum for the education of the vast, neglected portion of our society."

SHAH SYED EMDADUL HAQ moved, by way of amendment, that in the motion of Dr. Mohini Mohan Das, line 2, for the figures "2,00,000," the figures "3,00,000" be substituted.

He spoke in Bengali, the English translation of which is as follows:—

"I move this amendment because I think a great deal of money is required for the education of the members of the depressed classes for whom this demand is made. We constantly hear of want, but we actually find that while money is not wanting for all sorts of purposes, none is available for education. It is unjust that nothing should be given for the education of those from whom all money is received. The House may laugh at my interest in the depressed classes but I am closely associated with them and I know their condition. I know that most of the unrest and trouble in the country are the work of these classes and unless we give them enlightenment, we cannot expect any unity or peace in this country. The depressed classes form a large percentage of the population both among the Hindus and among the Muslims, and quite a lot of money is needed for their education. So I move this amendment."

Rai SATYENDRA NATH ROY CHOUDHURI Bahadur: Sir, I withdraw my motion, but I support Dr. Mohini Mohan Das' resolution.

The following motion was then, by leave of the Council, withdrawn:—

Rai SATYENDRA NATH ROY CHOUDHURI Bahadur: "This Council recommends to the Government that Rs. 50,000 be earmarked every year in the Educational budget for the education facilities of the students of the depressed classes."

Babu CHARU CHANDRA DAS: I move, by way of amendment, that the resolution of Dr. Mohini Mohan Das do take the following form:—

"This Council recommends to the Government that at least two lakhs of rupees be earmarked every year in the annual budget of the province for expenditure for advancement of education of the depressed classes, and that the amount sanctioned be equitably distributed amongst the several sections of the community."

I have kept one thing in view, namely, education and advancement of the depressed class in Bengal. This class, as the members of this Council are aware, are the most backward almost in every respect, chiefly for lack of education, and though according to the last census their number is about 1 crore and 49 lakhs out of a total Hindu population of a little more than 2 crores, forming about three-fourths of the Hindu population of the province, their position in the political and social spheres of the country is almost insignificant. What is this due to? As they are unable to assert themselves in the social policy of the country for want of spread of education amongst them, their influence so far in other directions is almost next to nothing. The country has now realised that with this three-fourths of the Hindu population of the province in a miserable and lethargic state, clinging to the society in a helpless condition, improvement in the social and political status of the country leading to self-government, so earnestly desired by all the parties, will be very slow if not altogether retarded. I crave the permission of the House to point out that education and nothing but education is the only remedy which may prove to be the panacea for this social and political illness, and I therefore ask for your indulgence to point out a few causes of complaint on behalf of the depressed class of Bengal and the way these complaints can be removed, at least to some extent, by earmarking the amount asked for for this purpose. I am sure there is none in this House, to whatever political party he may belong, who will not sympathise with the cause of the depressed class in this province.

First of all, we shall have to start from the bottom. The depressed class boys, for the poverty of their parents or guardians, are unable even to take advantage of the facilities which the primary schools of the country generally offer in this respect. At present, I understand, there are a very few stipends for depressed class boys in some upper and lower primary schools, but the number of these stipends is so small, that it is doubtful if these scholarships are at all serving the practical purpose for which they are meant. Where one hundred requires your assistance, you are stretching your helping hand only to one, and it is nothing but a bucketful of water on a parched field. Even this primary education will remain inaccessible to most of the depressed

class boys unless a substantial number of scholarships or freeships is provided. Therefore, if the amount asked for is granted, a fair portion of it will have to be spent in granting stipends to the poor and deserving boys of this class.

It is necessary in this connection to find out definitely who belong to the so-called depressed class in this province. I have heard of cases of persons who do not admit themselves to belong to the depressed class in society, but coming forward and actually dividing the little privilege which the Government have given to the depressed class, enjoying at the same time the social advantage along with the higher classes. This is generally happening in the case of distribution of Government posts and other patronages of the Government. This anomaly is to be removed and the classes to be included in the "depressed class" are to be defined or made more susceptible to a definition.

For the present, the classification of the backward or depressed classes, as enumerated on page 189, Part I of the Report of the Calcutta University Commission, may be accepted for the purpose of education, Government service and other Government patronages.

Another important matter to which I want to draw the attention of the Council in this connection is, that a class of the depressed people styled Namasudras are the chief inhabitants of the two districts of Eastern Bengal forming about three-fourths of the population of these places. The benevolent Christian missionaries are amongst them to uplift these people in their moral and political status, and through their influence and owing to the preponderance of the number of this class and the consequent concentration of efforts, they generally catch the eye of the Government whenever the existing privileges come to be distributed amongst the backward classes. The other depressed classes, who are worse off, are scattered over the whole province, and their numerical strength being weak, their interests are generally neglected for their inability to make themselves heard.

I should here mention one instance. There is only one hostel for the depressed class students in Calcutta subsidised by the Government, and to this the students of the above-mentioned Namasudra class only are admitted.

Many attempts were made to get students of the depressed class of other castes admitted, but were unsuccessful. There should also be arrangements for accommodating the boys of other castes of the depressed classes.

So if any money is specially granted for this purpose, means will have to be found for its equitable distribution amongst the various sections of the depressed class. But these are matters of minor importance, and if this resolution is carried, and the Government give effect to it, I do not apprehend any practical difficulty in its distribution according to the varying interests involved. If it is the desire of this

Council to treat the members of the depressed class as their comrades and fellow-workers with equal rights and privileges in their attempt to win swaraj for this country, if it is their desire to see them in their District Boards, Local Boards, Union Boards, Municipal Councils and other self-governing institutions, side by side with those who belong to the more advanced class of the community, helping them as colleagues and dividing the fruits of their labour in equal partnership, then I can safely trust to the good sense of this Council to give them the means by which the struggling members of the so-called depressed class can be made to raise themselves from this depression. Without facilities for education—moderately, if not liberally, provided for the class which forms a great bulk of the community—the idea of United India and the idea of a nationality amongst us will be nothing but a mere dream.

With these remarks I beg to confide the resolution to the care of this Council.

Rai SATYENDRA NATH ROY CHOUDHURI Bahadur: In the January session of 1924 of this Council I put the following question and obtained the following answer, my object being to get an idea of the present educational policy of the Government with regard to the education of the depressed classes:—

Q.—" Will the Hon'ble Minister in charge of the Department of Education be pleased to state whether Government contemplate earmarking a portion of money in the Education budget for the boarding-houses of the students of depressed classes in the districts of Bakarganj, Faridpur and Khulna."

A.—" The answer is in the negative. No scheme for the construction of such boarding-houses is ready for submission to the Government."

When the budget was presented to the House, to my great mortification I found that no special allotment was made for the educational facilities of the depressed classes, and in my budget speech of 26th February, 1924, I bitterly and vainly complained of this to the House. I also drew the attention of the House to the breach of the solemn pledge and policy of Sir Provash Chunder Mitter, late Minister in charge of the Department of Education, enunciated in his speech of 1st March, 1922.

Sir Provash said: " Babu Nirode Behari Mallick and Bhishmadev Das have referred to grants of scholarships and free studentships to members of the backward classes for the improvement of education amongst them. I may tell the House that I have the utmost sympathy with their demands and, subject to financial limitation, I shall try to help them. I may also tell the House that in the supplementary

budget my Department has placed before the Finance Department, there are provisions for the grant of scholarships and free studentships as well as other provisions for the improvement of education amongst the backward classes."

The Hon'ble Minister in the course of his budget speech did not say a word about it nor about my complaint and since then nothing definite and real has been done. So I thought it proper to bring up a formal resolution, which is No. 35 in the list. As there is little chance of reaching it, I take this opportunity of supporting this resolution.

The total population of Bengal is 47,592,462, of which 20,809,148 are Hindus, of which again more than half come from the depressed classes, and it is a well-known fact that the education amongst these classes is abnormally backward. The reason is not far to seek. They have not yet got any special encouragement or facilities for education from the State, though the educational improvement of backward classes has been the settled policy for some time past of some other provinces, say, Madras and Bombay. Among the Native States, Baroda has shown a glowing example of this. His Highness the Maharaja of Baroda, after repeated failures and waste of State money, has at last succeeded in improving the education of the backward classes in his State. He has not only opened free schools for their education from the State, but has awarded many scholarships and free studentships to poor and deserving boys of these classes and the result is not unknown to any one of us here.

Can it be conceived that nearly quarter of the population will ever remain backward?

If we want to improve their mental and moral visions, if we want to teach them thrift, agriculture and industries, if above all we want to make them good citizens, we must give them proper education, and is it not the duty of the State to give them adequate encouragements and facilities, for their education? They are not only backward but they are poor and it is therefore all the more necessary that there should be State aid for their education. I myself do not belong to the depressed class, but to press their very just claim I have brought forward my moderate demand to establish a policy long due, which I hope the Government will admit and accept.

If it be the settled policy of the Government not to give them any special State aid and to keep them ever in darkness, the darkness, I am afraid, will create despair and I will not tell you, Sir, what despair will lead to. To reject light-heartedly a very modest and just demand of a quarter of the whole population of the province, who form the bulk of the masses and are still inarticulate, will be a very unwise policy which has hitherto been pursued.

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The worthy representative of the depressed classes in this Council, Dr. Mohini Mohan Das, in the last session practically made a request in the shape of a question to reserve some seats for admission of boys of depressed classes in the Dacca Medical School. Unfortunately the Hon'ble Minister could not see his way to accede to it for reasons which are untenable and fallacious in the face of it. To turn out doctors from the depressed classes will have a very salutary and far-reaching effect amongst them and I need not dilate upon it. I fail to see the wisdom of refusing the request, which is one of the facilities without any State expenditure. Does it not show the lack of Government's sympathy for the classes in the plains of Bengal, though similar backward hill tribes, who are under the great patronage of Christian missions, are lavishly favoured with State aid and encouragement. Sir, this short-sighted policy of different treatment should no longer be continued. Hitherto there was an apathetic attitude of these classes towards education, but now, Sir, I am sure there is genuine desire—a craving I should say amongst these classes to educate their children. Government should not overlook this just and genuine desire and miss the opportunity to elevate the backward classes by giving them reasonable encouragement and facilities for education. If we take up and carry on the policy for some time there will be good and proper educationists among them, who, in time, will pursue this policy and arrange their education without similar State aid.

I can tell this House there is no free primary school in these centres, no primary school with State aid only, no boarding-houses for the depressed classes constructed by State aid, no adequate boarding-houses or living accommodation in high English and middle English schools, no capital grant for the school houses recently established and recognised in these centres by purely private enterprises, which should draw the attention and sympathy of the Government.

Sir, I have always noticed with great attention that Government have always expressed their solicitude for the welfare of the masses. Do not the backward classes really form the masses? And what can be more conducive to their welfare than their educational improvement?

The Hon'ble Sir ABD-UR-RAHIM: Sir, I have listened with great interest to the speeches that have been delivered on this question. I am really pleased to find that there are some members in this House who take an interest in the question of primary education for the benefit of the depressed classes and other poorer classes. The question of education of the depressed classes is a part of the much larger question of primary education, and Dr. Mohini Mohan Das is quite right in drawing our attention to the question of primary education, because it undoubtedly is a most important problem in the education of the province. It has been complained that we do not spend enough money

on primary education in this province. I [illegible] that the position has to be examined whether we are spending a proper and adequate share of the general revenues available to the Education Department on primary education to benefit the masses in the country. We are carefully examining that matter now.

Besides we are considering whether the time has not arrived for this province and for the Council to see their way to support a comprehensive measure relating to primary education. We are in fact at present contemplating a comprehensive Bill which I hope and trust Government will be in a position to place before the Council soon dealing with the question of primary education generally. Government will have to ask for the full support of this Council, because it will mean a considerable outlay, and that we cannot meet unless the province is prepared to pay the cost. So far as the depressed classes are concerned, there is one important fact to be borne in mind; it is very difficult to define the depressed classes. Again, wherever we have any primary schools, whether managed by a municipality or a local board or union board, children belonging to all classes, without distinction, are admitted to them. We do not set up any barrier against any class, depressed or otherwise. The members of the depressed classes have every opportunity of sending their children to these schools if they so desire. There are certain classes undoubtedly who have to be specially treated, for instance, the Sonthals, hill tribes, etc.; they have vernaculars of their own and their special needs have to be specially considered. We do provide especially for those classes. Some of the movers of the resolution apparently have not sufficient information as to what Government is doing at present for these classes. We are not spending Rs. 50,000 only, as Rai Satyendra Nath Roy Choudhuri Bahadur professes; we are spending much more than that; we are spending as a matter of fact Rs. 1,12,000 for the special needs of the backward classes, which include the Sonthals, the hill tribes, a section of the Namasudras and others. We have provided for them some scholarships, and grants-in-aid to missionary schools which cater for their education, and in various other ways Government has provided for their education. If you are not satisfied that we are doing enough, we will take your proposal into consideration, but I do not like, so far as primary education is concerned, that there should be any distinction or that any separate school should be set apart for any class. The schools should be open to all, and, as I have said, the depressed classes are welcome to any schools maintained or aided by Government. That is the principle upon which we are acting, and the resolution before the House really wants to adopt a narrower principle. I advise the House not to accept it, as it is a wrong principle. Government is trying to do its best for the poorer classes and I hope that Government will be soon in a position to do something comprehensive for the education of the masses in Bengal generally.

Maulvi AMANAT KHAN: I beg to support the resolution moved by my hon'ble friend, Dr. Mohini Mohan Das, but I wish to say a few words relating to the depressed, rather the oppressed, classes. I think the depressed classes also include Muhammadan palanquin-bearers, Kahars, fishermen, day-labourers and cultivators; these classes have got no education whatsoever. In Islam there is no caste distinction, but these poor men have got the lowest status in society and, as such, they ought to be considered as depressed classes and be given the privileges of those classes.

The motion that in the motion of Dr. Mohini Mohan Das, line 2, for the figures "2,00,000" the figures "3,00,000" be substituted, was then put and agreed to.

The following motion was then put and lost:—

Babu CHARU CHANDRA DAS: "This Council recommends to the Government that at least two lakhs of rupees be earmarked every year in the annual budget of the province for expenditure for advancement of education of the depressed classes, and that the amount sanctioned be equitably distributed amongst the several sections of the community."

The following motion was then put and agreed to:—

"This Council recommends to the Government that Rs. 3,00,000 be earmarked every year in the Educational budget for the primary education for the students of the depressed classes."

Registration of Business Names.

Mr. J. CAMPBELL FORRESTER: I beg to move that this Council recommends to the Government that legislation be undertaken at an early date for Bengal on the lines of the Burma Registration of Business Names Act, 1920.

In moving this resolution, I may mention the fact that the Home Government passed a Registration of Names Act, which provided that all persons carrying on business within the United Kingdom must trade under their own names or submit to registration. It also provides that every individual and firm required to be registered must in all trade circulars show cards and *Business Letters* on or in which the business name appears and which are issued or sent to any person in any part of His Majesty's Dominions in legible characters. This Act came into operation on December 22nd, 1916. I can quite understand that there are some people who are desirous that their names should not be revealed in connection with business, but it might be pointed out to these persons, who are desirous of concealing their identity,

that they may still do so by converting themselves into a "limited" liability company, of course, as companies are required to register the names of their share-holders. It must be admitted that the concealment can only be of a partial character.

The Bengal Chamber and the Trades Association of Calcutta recognise the necessity for something in the nature of this Act for Bengal, and they have been in communication with the Government since 1918, and on the 27th August, they received the following communiqué from the Government of Bengal:—

> "The Government of Bengal informed the Calcutta Trades Association that the introduction of a Registration Act in India on the lines of the Business Names Act in force in the United Kingdom has been submitted to the Government of India and that the orders of that Government were awaited."

But so far nothing further has been done. The Calcutta Trades Association received a letter from the Punjab Trades Association, dated the 20th November, 1923, stating that they are in complete sympathy regarding an Act applicable to the whole of India, similar to the "Burma Act", for the registration of business names, which came into effect on 1st June, 1923. It affects professional and business men and traders who carry on business under assumed names without disclosing their own names and those of their partners. The persons or firms who are affected by the Act and who must register are:—

(1) every firm carrying on business under a business name which does not consist of true names of all partners who are individuals and the corporate names of all partners who are corporations; and

(2) every individual carrying on business under a business name which does not consist of his true name; and

(3) every individual or firm who or a member of which has either before or after passing of the Act changed or added to his own name; and

(4) where a firm, corporation or individual carries on business, wholly or mainly as nominee or trustee of or for any firm, corporation or individual, the first mentioned firm, corporation or individual.

Failure to comply with the Act involves liability to a sentence of imprisonment for three months or a fine of Rs. 300 or both. It is provided that when either according to the customs of his race, sect

or community, any person may be designated by two names, which are substantially different, or when any person has, as a matter of practice, been designated by two names which are substantially different, the name by which he is most commonly known shall be deemed to be his name for the purpose of the Act.

The registration of partnership to some extent overlapped the compulsory registration of business names, but these questions should be given for each subject;—

(1) To identify alien interests.

(2) To compel disclosure of assumed names, thus facilitating and rendering more precise commercial transaction.

Legislation of this description has been found necessary for Home and, in my opinion, it is much more necessary for India; in fact, it is essential, so that business can be put on a straight and fair footing. It is imperative that we should have this Act put in force for Bengal. I would point out in this connection the large number of purely Indian business (mostly small concerns) carried on under European names. In many instances, it is only a desire to use names of highly-placed officials, such as Curzon or Lytton, or well-known men, merely with the intention of using them as an attractive advertisement; but one is compelled to come to the conclusion that it is often done with the distinct intention to imitate and deceive, and undoubtedly very frequently with successful results. Firms in England and other countries are misled in correspondence on business matters by the titles and signatures of European names by those who assume them. Bankers are similarly misled by signatures on documents, believing firms or individuals subscribing assumed names are Europeans. People residing in the mufassal and district are misled in their dealings with those persons who assume European names. All firms should be compelled by law to have their own names printed on the firm's stationery.

I trust this will not be looked upon by any manner of means as a racial question. It is a question that affects the Indians, who are living in the mufassal as much as the Europeans. We may differ in our views in certain matters, but I personally do not think, although in some matters we may be opposed to each other, that when it can be plainly proved that any measure that is being advocated is for the benefit of Bengal as a whole, that opposition for the mere sake of opposition will take place.

I feel sure that the members of this House will be convinced that this measure is a necessary one and will do good to all and only harm to those who do not wish to have a straight deal.

Let me give you a few illustrations of names that are being used. All small Indian concerns—as for example:—

Bertram Robert.—West End Tailor.

Madame Box.—Gentleman's Tailor.

Overseas Boot and Shoe Manufacturing Company.

Scientific Dying and Cleaning Company.

Electrical Medical Hall.

Madam Maude.—Dressmaker.

According to Shelly, "Human pride is skilful to invent most serious names to hide its ignorance."

All these names that I have given are mere holes in the wall, where the owner could reach any of the articles while seated—the size of an ordinary Home Orange Box.

I was informed by the Secretary, Calcutta Trades Association, that there was an Indian firm who advertised under the well-known name of Balmer Lawrie, a brand of cheeroots, and the applicants had to apply to a box number, but the well-known Balmer Lawrie had nothing whatever to do with the advertisement.

Here are a few more instances of a similar type:—

Mather & Co., 102, Clive Street.—There was an original Mather. He does not now exist. The firm is entirely Bengali.

G. R. Knowles & Co., Strand Road.—There was originally a Mrs. Knowles. She is no longer in the business, which is now entirely owned by one Sarkar, a Bengali.

While bankers are similarly misled by signatures on documents, believing that firms or individuals subscribing assumed names are Europeans or firms of big standing, thus deceiving of the public does not stop here, but also renders it difficult where recourse to law is necessary to trace the actual proprietors thereof. If the partners are men of straw, hidden in one of the many rabbit-warrens that are met with in all the big towns of India, and if the partnership is camouflaged in the manner indicated, then it becomes extremely difficult, if not impossible, to fix the responsibility on the right person.

I am aware that the Government will bring forth the argument that there are difficulties in the way with the Hindu joint family concerns, but Mr. B. L. Mitter has put up a valuable note on the same, which I bring to the Government's notice. He says:—

"My proposal practically treats a Hindu joint family as a single partner, and provide for the compulsory registration of all

contractual partnerships. So long as the business is a purely joint family business, with no stranger in it, registration would not be necessary, but directly a stranger is introduced into the business, the partnership would become contractual, the contracting parties being the joint family as a unit on the one side and the stranger on the other. Registration would then become necessary and the joint family would be registered in the name of the *Karta* or head of it, whose declaration would bind all the family."

In regard to small and single venture partnerships, Mr. Mitter also points out:—

"These are habitually registered without any trouble and at a very trifling cost; and that the latter should be and are governed by the law which regulates partnerships, so that if it is the Hindu joint family difficulty that is the only stumbling block that keeps the Bengal Government from putting the very necessary Act on the Statute Book, I think that it can be readily overcome."

Therefore, I appeal to this House to pass this resolution and, knowing as a body, we are anxious to do justice all round, I think I have pointed clearly that injustice is done and will continue to be done until we have an Act such as the "Burma Act" for the registration of business names. England found the need of it. Burma found the need of it, and I know the business community of Bengal feels the need of it. I leave it to the House to decide, and feel, in doing so, I can safely rely on their decision.

The Hon'ble Mr. J. DONALD: This resolution is one with which the local Government have always been in sympathy. The difficulty, however, lies in the fact that legislation on this subject is a matter for the Government of India, and all that we can do is to make a further recommendation—in fact, to repeat the recommendation we have made on two occasions and to forward the conclusions of this House to-day.

The subject was first started in 1917 by the Calcutta Trades Association. They asked us then to undertake legislation on the lines of the Registration of Business Names Act on the same grounds that Mr. Campbell Forrester has mentioned. I need not waste the time of the Council by repeating them. At that time we obtained the opinion of business firms concerned and recommended this kind of legislation, not only on the grounds urged by the Trades Association but also because a measure of this kind seemed to be necessary in order to regulate alien trade in India. The Government of India themselves raised the question in 1919 and asked us to consult commercial opinion. They then said that

they were unwilling to proceed with legislation on the question of registration of business names or the registration of partnerships—two questions which rather overlap each other—unless there was a general consensus of commercial opinion in favour of it. They also referred to the difficulty arising out of the joint Hindu family system. We consulted commercial opinion and, in March, 1920, we told the Government of India that there was sufficient support from the commercial community to justify legislation and that we felt that the difficulties in regard to joint Hindu family business were not insuperable. The Government of India thought these difficulties were, however, too great, and they came to the conclusion not to proceed with the matter—this they told us last year. Mr. Campbell Forrester has referred to the Act in Burma, but there it was a simple matter, as they have not the same difficulty in Burma in regard to joint Hindu families. As Mr. Campbell Forrester has said, this question has come up more than once before the Associated Chambers of Commerce and the Trades Association has again referred to it. The position, as far as we are concerned, is that although we quite sympathise with Mr. Forrester's proposal, it is not within our power to legislate, but I am quite prepared to forward this resolution to the Government of India——

Babu NALINIRANJAN SARKER: Does the Hon'ble Member oppose or support the resolution?

The Hon'ble Mr. J. DONALD: I do not object to this resolution. If it is carried, I propose to send on the resolution with a recommendation in its favour.

Babu DEBI PROSAD KHAITAN: This resolution, which has been moved by my hon'ble friend, Mr. Campbell Forrester——.

Mr. PRESIDENT: Mr. Khaitan, please try to be as brief as possible.

Babu DEBI PROSAD KHAITAN: Yes, Sir, I shall try to be as brief as possible. This resolution involves questions of great importance not only to merchants and firms carrying on business in big cities and on large scales, but also poor persons and firms carrying on small business in the remote villages. The resolution, on the face of it, assumes an appearance of great elegance and is characterised by intentions that persons who carry on business should be honest and straightforward and should register their names. On its face it appears that it is a very simple proposition; but, Sir, if we take into consideration the fact that very small firms also carry on business in remote villages in the interior, this House will at once understand the difficulties to which these small firms would be put if registration of their names

or registration of the names of partners is enforced compulsorily by law. Take the case, Sir, of grocers carrying on business in remote villages—in a remote village in the interior—in partnership between two or three persons. If a law of this nature is enacted, it will be necessary for these persons, when starting business, to go to a lawyer, either in the subdivisional, or in the district town and make out the necessary application and have it registered. This process will have to be repeated each time when a new person is taken into the firm, or an old person dies and his heirs are taken into the firm. If we remember the nature of the business and of the families who carry on business in India, not only families governed by the Mitakshara School of Hindu Law but also the Dayabagh School of Hindu Law, we find it happens that more than once a year there is a change in the constitution of the firm. It is all very well for my hon'ble friend, Mr. Campbell Forrester, to say that there are some firms who carry on business under assumed names and who want to make out an appearance that their business is carried on by Europeans and not by Indians. He gives one or two cases of this nature. But I may tell him that hardship will be imposed on lakhs and lakhs of other cases of persons who carry on their business quite honestly and in respect of whom it is not at all necessary that any law of this nature should be enacted. Sir, a provision has already been made in the new Code of Civil Procedure whereby suits can be instituted by and against firms in the firm names. Much of the difficulty that existed before the new Civil Procedure Code was enacted has disappeared as a result of that provision. Formerly what happened was that suits had to be instituted against firms in the names of the partners constituting that firm, and if there was any mistake in mentioning the names, difficulties about partnership arose and the plaintiff was put to a large amount of costs and consequent harassment. But now, since the Civil Procedure Code has been amended, the plaintiff is at liberty to institute suits against the firm in the firm name and the Civil Procedure Code further provides that the defendant firm can be called upon to disclose the names of the partners carrying on business in that firm name. Rule 51 of the Civil procedure Code provides that if there is a decree against a partnership firm in the firm name, execution can be taken out against the partners in the same way as if a decree was passed against the partners in their own names. Consequently, it will appear that much of the difficulty that existed previously has now disappeared by reason of the new Civil Procedure Code. Where is the reason then that a law of this nature, which will involve lakhs and lakhs of firms—big and small—that carry on business not only in big cities but also in remote villages—to impose this additional expenditure and this additional inconvenience on them, viz., that each time there is a change in the constitution they will have to go and register their names? The case has been put forward by Mr. Campbell Forrester that any firm dealing

with another should know the constitution of that other firm with which it is dealing, but that other firm can be called upon to disclose the names of their partners in writing when starting business. Mr. Forrester has talked of foreign firms in France, or in England or in Germany carrying on correspondence with a firm in India under an assumed name. Does he think that it will be possible that a firm in England or in France or in Germany will ask some representative in India to go to the Registration Office in the interior—it may be some village in the interior of a subdivision—to find out who are the partners of that firm carrying on business under an assumed name? That would be impossible or rather a thing which will never happen. So that the relief which Mr. Forrester expects to get by this legislation in favour of the foreign firm will never come to fruition. Rather, they will work in a far more greater sense of safety than before, in that this law will be in force; and they will feel that such assumed names are no longer practicable and in that further sense of security they will be further put to the trouble which they may get afterwards by having acted under a wrong impression. At present, whatever correspondence is started, they got reference through their banks in India and the names of the partners who carry on business under any particular name. If Mr. Forrester thinks that any foreign or any firm in India carrying on business with other firms is put to any serious difficulty, I think it is due more to an assumed sense of insecurity or assumed sense of injury done than any reality about it. If he looks up the records of the High Court, he will find that in very few cases this question of disputed partnership really arises. Almost all the cases—whether of arbitration or otherwise—are decided without difficulty and the question arises in the High Court only once or twice in the year, and almost similar is the case in the Small Cause Court. A large number of firms who carry on business in Bengal should not be made to suffer by reason of the acts of dishonesty on the part of a few, and those acts are committed—I am speaking from personal experience—when that firm really becomes insolvent, and it will not be possible for the creditor to realise his due from that particular firm. It is only in such cases that partners who are really members of a firm deny partnership. Otherwise partnership will never be denied if the firm is in a flourishing condition. Another difficulty might arise if provincial legislation is undertaken. Firms which are constituted in another province may carry on business in this province, as is done now. If there is any dissimilarity of law in regard to matters of this nature the other province may get advantage over Bengal, and I do not see why Bengal should be put to such serious inconvenience. It is a matter which should have a similarity of legislation in all the provinces and therefore it is one which should only be dealt with by the Legislative Assembly and not by a provincial Legislation.

Mr. J. CAMPBELL FORRESTER: In my reply I shall be very brief, as the hour is late and I am very impatient after a very dreary day's work. Sir, the business community find that we have the greatest possible difficulty when questions of legislation arise in many cases in getting at the principals of the firms. This measure will lessen that difficulty. In the second place I may say that a great deal of trouble takes place at present about firms doing business under assumed names and people in the mufassal, both Indians and Europeans, are very frequently deceived. My proposal is that the present firms need not change their names at all, but that their partners should print their names in their correspondence and on all their stationery. That is one of the ways in which everybody concerned will know who the partners are. I know the difficulties in the way with regard to the family system, but I have pointed out how that can be overcome. This will also help to save foreign firms from being deceived and doing business with questionable people and giving them credit, which they sometimes do to their regret. Finally I should like to thank the Hon'ble Mr. Donald for recognising the necessity of this measure and assuring me that he would approach the Government of India on this subject.

The motion of Mr. J. Campbell Forrester that this Council recommends to the Government that legislation be undertaken at an early date for Bengal on the lines of the Burma Registration of Business Names Act, 1920, was then put and lost.

Adjournment.

The Council was then adjourned till 3 P.M. on Friday, the 11th December, 1925, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Friday, the 11th December, 1925, at 3 P.M.

Present:

The Hon'ble the President (KUMAR SHIB SHEKHARESWAR RAY) in the Chair, the four Hon'ble Members of the Executive Council, and 115 nominated and elected members.

Starred Questions

(to which oral answers were given.)

House-allowance to School Sub-Inspectors.

*LXXXVI. **Babu ROMES CHANDRA BAGCHI:** (*a*) Will the Hon'ble Member in charge of the Department of Education be pleased to state whether it is a fact that school Sub-Inspectors are not given any house-allowance?

(*b*) Is it a fact that they are required to locate offices in their own dwelling-houses?

(*c*) Is the Hon'ble Member aware of the hardships which these officers have to face, specially when posted at an out-of-the-way station?

(*d*) Are the Government considering the desirability of giving these officers house-allowance at the rate suggested by Mr. Biss in his report, Chapter VIII, page 51, or making any other suitable arrangements for their accommodation?

MEMBER in charge of DEPARTMENT of EDUCATION (the Hon'ble Sir Abd-ur-Rahim): (*a*) and (*b*) Yes.

(*c*) The fact has not been brought to the notice of Government.

(*d*) Government do not consider that the Sub-Inspectors require separate house accommodation for their offices. They spend most of their time out of headquarters and carry with them any records connected with their inspection. No inspecting officer in the Department outside Calcutta is allowed any house-allowance and there is no reason why the Sub-Inspectors should be given such allowance.

Burdwan District Board.

*LXXXVII. **Babu SARAT CHANDRA BASU:** Will the Hon'ble Member in charge of the Department of Local Self-Government be pleased to state—

(*i*) when the present District Board of Burdwan was first constituted;

(*ii*) when its present Chairman and Vice-Chairman were elected or appointed under section 22 of the Bengal Local Self-Government Act of 1885;

(*iii*) when its present members were elected and appointed under the said Act; and

(*iv*) when the first meeting of the said District Board was held?

MEMBER in charge of DEPARTMENT of LOCAL SELF-GOVERNMENT (the Hon'ble Maharaja K[illegible] Chandra Ray Bahadur of Nadia): (*i*) In October 1918.

(*ii*) The present Chairman was first elected by the old Board on the 31st January, 1918, which was approved by Government under section 22 of the Local Self-Government Act in February 1918. He was elected again as Chairman by the existing Board on the 14th November, 1918, which was approved by Government on 16th December, 1918. Government have no information as to when the present Vice-Chairman was elected. Under section 23 of the Local Self-Government Act the election of the Vice-Chairman does not require the approval of any authority.

(*iii*) The member is referred to the Divisional Commissioner's notification, dated the 24th October, 1918, which was published at page 1535, Part I of the *Calcutta Gazette* of 30th October, 1918.

(*iv*) 14th November, 1918.

District and Local Boards of Burdwan.

***LXXXVIII. Babu SARAT CHANDRA BASU:** (*a*) Will the Hon'ble Member in charge of the Department of Local Self-Government be pleased to state why no election of the members of the District Board and of the Local Boards of Burdwan was held after the expiry of three years from their election and appointment?

(*b*) Does the reason for not holding a fresh election on the expiry of the said three years still subsist?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: (*a*) and (*b*) The reconstitution of the District and Local Boards in Burdwan was due by the end of 1921. About this time the number of members of these local bodies was increased and proposals reallotting the elected seats on the different Local Boards were under consideration. The election of members of Local Boards was also held up in view of the proposed amendment of rule 1 of the Election Rules. This rule, which was finally amended early in 1922, was to have come into operation three months after its publication. The distribution of the elected seats on the Local Boards to different groups of Unions which was made by the District Magistrate, was, however, found to be defective, and revised proposals were called for. The District Magistrate submitted such proposals on the 21st November, 1922. They were partially approved, but the District Magistrate was asked to submit further proposals with regard to the Katwa subdivision, which were received on the 28th March, 1923. A notification distributing seats of Local Boards according to groups of Unions was issued on the 9th April,

1923, and a corrigendum [illegible] published on the 29th May, 1923. Thereafter certain errors in the notifications constituting the Unions according to which seats of Local Boards were distributed, were detected, necessitating a further reference to the Commissioner and the District Board, and it was not until the end of November 1923 that the notification correcting these errors was printed in the vernacular and published within the areas to which it relates. Instructions were issued in the beginning of 1924 for the preparation of voters' lists in the different subdivisions. These were completed by the end of August 1924, and the elections actually held in the November following. The elections in the Sadar Local Board were, however, found to be irregular as, through an oversight, 18 members were allowed to be elected in place of 16, which is just two-thirds of the total number of members (24) constituting the Local Board. As the local Government had not, under section 9 of the Local Self-Government Act (as amended by Schedule I of the Village Self-Government Act), authorised the election of more than two-thirds of the number of members of the Local Board, Government with the advice of their law officers, requested the Commissioner to hold a fresh election of the requisite number of members of the Local Board. The District Board cannot be reconstituted until the reconstitution of the Sadar Local Board and before all the Local Boards elect their quota of District Board members.

Babu MANMOHON NEOGI: Will the Hon'ble Member be pleased to state what the irregularity in the election of November, 1924, was due to?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: I must ask for fresh notice to make inquiries.

Election of Burdwan Sadar Local Board.

***LXXXIX. Babu SARAT CHANDRA BASU:** (*a*) Will the Hon'ble Member in charge of the Department of Local Self-Government be pleased to state whether it was a fact that a fresh election of the members of the Local Boards of the Burdwan district was held in November, 1924?

(*b*) Is it a fact that the election of the members of the Burdwan Sadar Local Board was set aside by the Government in November, 1925?

(*c*) Will the Hon'ble Member be pleased to state the reason why the said election has been set aside?

(*d*) What is the cause for withholding the order for setting aside the said election for a period of 12 months?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: (*a*), (*b*) and (*c*) The member is referred to the reply given to another starred question on the subject put by him at this meeting.

(*d*) The irregularity in the election of the Sadar Local Board was brought to the notice of Government in July, 1925, and the order directing a fresh election was issued on 3rd August, 1925.

Burdwan District Board election.

***XC. Babu SARAT CHANDRA BASU:** (*a*) Will the Hon'ble Member in charge of the Department of Local Self-Government be pleased to state whether the Government have got any intention to get fresh elections of the members of the District Board of Burdwan held before the present session of the Bengal Legislative Council ends, and before a general election is held of the members of the Bengal Council?

(*d*) Is the Hon'ble Member aware that within the tenure of the office of the present Chairman of the District Board two general elections of the Bengal Legislative Council have already been held?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: (*a*) Yes.

(*b*) Yes; a reference is invited to the reply given to another starred question on the subject put by the member at this meeting.

Nowi-Sunthi scheme.

***XCI. Rai HARENDRANATH CHAUDHURI:** (*a*) With reference to my unstarred question No. 138 and the reply given thereto on the 21st August, 1925, will the Hon'ble Member in charge of the Department of Local Self-Government be pleased to state—

(*i*) what answer, if any, has been received from the District Board of the 24-Parganas in reply to the inquiry made with regard to the Nowi-Sunthi scheme;

(*ii*) what amount was originally estimated for this scheme;

(*iii*) how and from what sources it was originally contemplated the scheme would be financed;

(*iv*) whether it is a fact that the Government proposed to execute the whole scheme by grants from provincial revenues; and

(*v*) whether the District Board undertook to bear any part of the cost of the scheme when it was originally undertaken?

(*b*) Will the Hon'ble Member be pleased to state why the "technical irregularities" referred to in part (*iii*) of the reply above referred

to cannot be removed and the further execution of the scheme cannot be proceeded with?

(*c*) Is the Hon'ble Member aware that the Government made much of the importance of the scheme from the sanitary point of view and specially as an anti-malarial project, both before and after the scheme was put in execution?

(*d*) What endeavours are being made to proceed with and complete the execution of the whole scheme at an early date?

(*e*) What progress has been made in the attempt alleged in part (*iii*) of the answer given on the 21st August last that is now being made to complete the works on Nowi and Ichapur khals?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: (*a*) (*i*) The District Board on the 18th July, 1925, agreed to contribute Rs. 38,765 towards the completion of the scheme.

(*ii*) The cost was estimated at Rs. 5,92,145 in 1906; the estimate was revised in 1918 at a figure of Rs. 10,17,932.

(*iii*) Government agreed to make a grant of Rs. 2 lakhs; the balance was to be recovered from the persons benefited.

(*iv*) No.

(*v*) No, but the District Board agreed to borrow the amount required for the scheme from Government, the expenditure to be subsequently recouped by recoveries from the persons benefited.

(*b*) and (*d*) Government are of opinion that local bodies should accept some responsibility for schemes initiated under Act VI of 1920; the District Board of the 24-Parganas is not, however, prepared to proceed further with this scheme, except to secure the completion of the work on the Ichapur and Nowi khals.

(*c*) Yes.

(*e*) The District Board is being asked to place their contribution at the disposal of the Executive Engineer, Canal Division; as soon as this is done the work will be taken up.

Rai HARENDRANATH CHAUDHURI: Will the Hon'ble Member refer to part (*b*) of the question and state why the technical irregularities cannot be removed?

SECRETARY to GOVERNMENT, DEPARTMENT of LOCAL SELF-GOVERNMENT (Mr. S. W. Goode): Irregularities did occur, and cannot be retrospectively rectified.

Rai HARENDRANATH CHAUDHURI: Will not that require an amendment of the Act?

Mr. S. W. GOODE: The Act has been amended already. These schemes were undertaken under the old Act.

Rai HARENDRANATH CHAUDHURI: Will the Hon'ble Member be pleased to refer to answers (*b*) and (*d*) and state why the District Board of the 24-Parganas is not prepared to proceed further with this scheme?

Mr. S. W. GOODE: Presumably because they dislike accepting the financial risk.

Rai HARENDRANATH CHAUDHURI: Will the Hon'ble Member be pleased to refer to part (*v*) of the answer and state when the District Board agreed to borrow the amount required for the scheme from Government?

Mr. S. W. GOODE: When the scheme was originally considered several years ago.

State prisoners and other détenus.

***XCII. Rai HARENDRANATH CHAUDHURI:** Will the Hon'ble Member in charge of the Political Department be pleased to state the names of persons arrested and detained up till now under Bengal Regulation III of 1818 and the Bengal Criminal Law Amendment Act, 1925, together with their addresses and the dates of their arrests?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Sir Hugh [illegible]): A statement is laid on the table showing the names of persons at present detained under the Regulation and under the Act.

Government are not prepared to publish the further information asked for.

List referred to in the reply to starred question No. XCII, showing the names of persons detained under Regulation III of 1818, on 30th November, 1925.

Amrita Lal Sarkar, Rabindra Mohan Sen Gupta, Jadu Gopal Mukharji, Satish Chandra Pakrashi, Monoranjan Gupta, Man Mohan Bhattacharji, Bhupati Mazumdar, Bhupendra Kumar Datta, Jyotish Chandra Ghosh, Kali Prasad Banarji, Jiban Lal Chatarji, Arun Chandra Guha, Kiran Chandra Mukharji, Satish Chandra Chakrabartti, Purna Chandra Das, Bepin Behari Ganguli and Pratul Chandra Ganguli.

of persons detained under the Bengal Criminal Law Amendment Act, on 30th November, 1926, including those in domicile as well as those in jail, referred to in the reply to starred question No. XCII.

Panchanan Chakrabartti, Surendra Mohan Shaha, Surendra Nath Singh, Ambika Charan Chakrabartti, Ananta Lal Singh, Lal Mohan Ghosh, Satcowri Banarji, Narendra Nath Banarji, Panna Lal Mitra, Prithwis Chandra Basu, Kshitish Chandra Basu, Manindra Nath Sen Gupta, Baman Chandra Chakrabartti, Kshitish Chandra Ray, Mahendra Nath Das, Ananta Kumar Haldar, Shiba Sankar Brahmachari, Ajit Kumar Gupta, Promode Chandra Ghosh, Sachindra Natk Maulik, Manindra Kumar Chaudhuri, Kshetra Mohan Singh, Satish Ranjan Singh, Manindra Chandra Chakrabartti, Amulya Mukharji, Tara Prasanna De, Sailendranath Das Gupta, Atul Chandra Ray, Himangshu Basu Ray, Amulya Chandra Adhikari, Kalipada Bagchi, Khagendra Nath Das Gupta, Pratul Chandra Bhattacharji, Kshitish Chandra Banarji, Nani Gopal Mukharji, Nripendra Nath Mazumdar, Jatindra Chandra Bhattacharji, Purna Chandra Acharya Chaudhuri, Kiran Chandra De, Purnananda Das Gupta, Ashit Nath Bhattacharji, Kali Jiban Basu, Paramananda De, Tarini Bhushan Shome, Kali Kumar Sen Gupa, Subodh Chandra Nag, Debendra Nath Roy, Jitendra Nath Mukharji, Jogesh Chandra Chatarji, Nibaran Chandra Pal, Kalipada Ray Chaudhuri, Amarendra Nath Basu, Nagendra Sekhar Chakrabartti, Probhat Chandra De, Kula Chandra Singha Ray, Santosh Kumar De, Ramesh Chandra Das Gupta, Abdul Raschid, Santosh Kumar Datta, Ambika Charan Khan, Ajit Kumar Maitra, Benoyendra Mohan Chaudhuri, Jitesh Chandra Lahiri, Binode Behari Chakrabartti, Probhat Chakrabartty, Surendra Mohan Ghosh, Amar Krishna Ghosh, Trailakhya Charan Chakrabartti, Madan Mohan Bhaumik, Madhab Chandra Bagh, Hari Kumar Chakrabartti, Satyendra Chandra Mitra, Subhas Chandra Basu, Anil Baran Ray, Suresh Chandra Bharadwaj, Narayan Chandra Banarji, Angshu Prakash Banarji, Anukul Chandra Mukharji, Banajit Kumar Banarji, Ananda Kishore Mazumdar, Naresh Chandra Datta Chaudhuri, Girindra Nath Banarji, Aswini Kumar Ganguli, Ramendra Nath Das, Ganesh Chandra Ghosh, Premananda Datta, Sushil Kumar Banarji, Kali Sankar Ganguli, Sachindra Nath Sanyal, Dwijendra Nath Das, Nagendra Nath Sen, Ramesh Chandra Acharji, Sudhangsu Adhicari, Brajendra Kumar Brahma, Charu Chandra Adhikari, Ashutosh Kahili, Santosh Kumar Mitra, Jogesh Chandra Chakrabartti, Subodh Lahiri, Dhirendra Nath Bagchi, Nripendra Nath Mukharji, Nalini Mohan Sarkar, Atindra Mohan Ray Chaudhuri, Gopendra Lal Ray, Satish Chandra De, Priya Lal Nag, Kumud

Bandhu Nag, Charu Bikash Dutta, Shyama Kumar Ghosh, Khagesh Bardhan, Sudhir Kishore Bose, Nalini Mohan Dutta, Narendra Nath Sen, Ramesh Chandra Dutta Chaudhuri, Upendra Nath Banarji, Amarendra Nath Chaterji, Atul Krishna Ghosh, Girija Sankar Chaudhuri, Dhirendra Nath Chakrabartti and Jatindra Nath Das.

Revision of assessment of holdings within Santipur Municipality.

*XCIII. **Mr. M. DAUD:** (*a*) Will the Hon'ble Member in charge of the Department of Local Self-Government be pleased to state whether the Government have received representations from the Rate-payers' Committee, Ward No. 2, Rate-payers' Association and Labour Association, Santipur, complaining against the revision of annual valuation of holdings and consequent increase of taxes by the Santipur Municipality, on the ground of increased valuation and enhanced assessment rates being insufficient, inequitable, illegal, *ultra vires* and beyond jurisdiction?

(*b*) Is it a fact that the Labour Association has requested the Government to make an inquiry into the matter?

(*c*) If so, will the Hon'ble Member be pleased to state who inquired into the matter and what is the result of the inquiry?

(*d*) Will the Hon'ble Member be pleased to state whether the previous sanction of the Government was taken by the Commissioners of the Santipur Municipality in order to revise the quinquennial annual valuation of holdings in accordance with the provisions of the Bengal Municipal Act III of 1884?

(*e*) If the answer to (*d*) is in the negative, will the Hon'ble Member be pleased to state what steps it is proposed to take in the matter?

(*f*) Are the Government aware that the annual valuation of holdings was determined by Commissioners and some private persons?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: (*a*) and (*b*) The reply is in the affirmative.

(*c*) The inquiry was made by the Subdivisional Officer, Ranaghat, and there appears to be no ground for characterising the assessment as inequitable.

(*d*) and (*e*) No. The municipality was established in 1865, under Bengal Act III of 1864 and a tax on houses, lands and buildings was in force there from the very beginning. When the Bengal Municipal Act of 1884 came into operation, a rate on holdings previously in

force in a municipality was deemed to have been duly imposed under the provisions of that Act (*vide* section 7 of the Bengal Municipal Act III of 1884). No fresh sanction of Government to the imposition of this tax was therefore necessary under section 85. Section 88 clearly provides that once a tax is sanctioned and imposed, the assessment may be revised or amended by the Municipal Commissioners themselves, subject to the maximum rate prescribed by the Act. No sanction of Government to such revision is therefore necessary.

(*f*) Yes.

Mr. M. DAUD: Will the Hon'ble Member be pleased to state whether the Municipal Commissioners themselves after the assessment has been made and revised, can without the sanction of Government revise them again within the period of five years?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: I think they are competent to make re-assessments at certain periods.

Mr. M. DAUD: Will the Hon'ble Member be pleased to state whether in view of the statement made in answer to clauses (*d*) and (*e*), the assessment made by private persons and also by Municipal Commissioners as referred to in my clause (*f*) will be illegal or not?

Mr. PRESIDENT: That is asking for an opinion and I cannot allow it.

Government Communiqué regarding Excise.

*XCIV. **Babu KHAGENDRA NATH GANGULY:** (*a*) Has the attention of the Hon'ble Member in charge of the Department of Agriculture and Industries been drawn to the communiqué published in the *Statesman* of the 15th November, 1913, by the Government of Bengal in the Financial Department?

(*b*) If so, will the Hon'ble Member be pleased to state whether the said communiqué was based upon any resolution of the Government of India in which the Excise policy of the Government was laid down?

(*c*) If the answer to (*b*) is in the negative, will the Hon'ble Member be pleased to state the particulars of the document wherein the present policy of the Imperial Government as well as of the local Government has been dealt with at length?

MEMBER in charge of DEPARTMENT of AGRICULTURE and INDUSTRIES [EXCISE] (the Hon'ble Mr. J. Donald): (*a*) Yes.

(*b*) No.

(*c*) The member is presumably referring to licensing policy and, if so, he is referred to paragraph 6 (*iv*) of the Financial Department resolution No. 1322S.R., dated the 4th August, 1914, containing the policy of the Government of India as well as that of the local Government relating to the appointment of Advisory Committees and to paragraph 7 of Government notification No. 596S.R., dated the 30th March, 1915, regarding the constitution of Licensing Boards, as subsequently amended by notifications No. 801 Ex., dated the 21st February, 1923, and No. 5678 Ex., dated the 14th November, 1924. Copies of these papers have been laid on the Library table for the information of the member.

Allotment for sanitation and water-supply of the Hooghly district.

***XCV. Babu TARAKNATH MUKERJEA:** Will the Hon'ble Member in charge of the Department of Local Self-Government (Public Health) be pleased to state how much money has been allotted this year for the Hooghly district in connection with—

(*i*) anti-malarial works;

(*ii*) anti-kala-azar works; and

(*iii*) water-supply works?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: (*i*) Government have made no direct grant to the Hooghly district for anti-malarial works.

(*ii*) A grant of Rs. 500 has been made to the District Board for anti-kala-azar measures.

(*iii*) Government have allotted Rs. 75,000 to the Burdwan Division for the improvement of the water-supply. It is in the discretion of the Divisional Commissioner to make an allotment from this grant to Hooghly. Government have also allotted Rs. 23,315 to the Hooghly District Board as an augmentation grant, which is earmarked mainly for water-supply; 33⅓ per cent. of the Public Works cess, which was transferred to District Boards in 1913, was also, under Government instructions, earmarked for expenditure on water-supply and sanitation.

Mr. S. N. HALDAR: Has the Government made any grant, direct or indirect, for anti-malarial work in the Hooghly district?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: They have made some provision for quinine, but I do not

remember how much has been allotted for Hooghly. I ask fresh notice of this question, and I shall be pleased to supply further information to the member.

Faridpur Railway Station.

*XCVI. **Dr. KUMUD SANKAR RAY:** (*a*) Is the Hon'ble Member in charge of the Department of Public Works aware of the inconvenience caused to passengers at the Faridpur station on the Eastern Bengal Railway, owing to the absence of a platform and proper waiting-rooms?

(*b*) How long has the present Faridpur railway station been on the present site?

(*c*) Is there any likelihood of the railway station at Faridpur being shifted from the present site?

(*d*) If so, within what period?

MEMBER in charge of DEPARTMENT of PUBLIC WORKS (the Hon'ble Mr. J. Donald): (*a*) A raised platform and waiting-room will be provided when the new station is built. [*Vide* (*c*) and (*d*).]

(*b*) From the 8th September, 1916.

(*c*) There is every likelihood of the station being removed.

(*d*) It depends on when the Faridpur-Charmaguria extension is sanctioned.

Liquor and drug shops.

*XCVII. **Mr. M. DAUD:** (*a*) Will the Hon'ble Member in charge of the Department of Agriculture and Industries be pleased to state the number of—

(*i*) liquor; and

(*ii*) drug shops existing in mill areas in Bengal, excluding Calcutta?

(*b*) Will the Hon'ble Member be pleased to state the number of—

(*i*) liquor; and

(*ii*) drug shops existing within the jurisdiction of the Calcutta Corporation?

The Hon'ble Mr. J. DONALD: (*a*) (*i*) and (*ii*) and (*b*) (*i*) and (*ii*) Statements giving the information asked for are laid on the table.

Statement referred to in the reply to clause (a) (i) and (ii) of starred questio No. XCVII, showing the number of liquor and drug shops in mill areas.

Kind of shop.	Hooghly.	Howrah.	24-Parganas.	Nadia.	Total.
Country spirit ..	13	4	31	1	49
Tari ..	15	6	..	..	21
Ganja ..	10	4	30	1	45
Opium ..	11	3	29	1	44
Siddhi ..	8	4	26	1	39
Charas ..	..	..	2	..	2
Foreign liquor ..	..	..	17	1	18

Statement referred to in the reply to clause (b) (i) and (ii) of starre question No. XCVII, showing the number of excise and opium shops within the jurisdiction of the Calcutta Corporation.

Existing during 1925-26 (including Cossipore-Chitpur, Maniktala and Garden Reach Municipalities)—

Country spirit	... 47
Tari	... 32
Opium	... 32
Ganja	... 37
Siddhi	... 16
Charas	... 4

Foreign liquor -

Hotel	... 10
Foreign liquor " on "	... 4
Restaurants	... 22
Foreign liquor " off " (Public)	... 36
Foreign liquor " off " combined (Trade and Public)	... 34
Foreign liquor (Trade)	... 22

Problem of unemployment.

***XCVIII. Rai SATYENDRA NATH ROY CHOUDHURI Bahadur:** (*a*) Will the Hon'ble Member in charge of the Department of Agriculture and Industries be pleased to state whether he is aware of the problem of unemployment and the discontent among the unemployed educated classes?

(*b*) Are the Government proposing to extend the technical and vocational studies by establishing new schools even at the reduction of Government secondary schools?

(*c*) Is it a fact that the District Magistrate of Bakarganj sent a proposal for raising the status of the Barisal Government Technical School by opening a junior mechanical class there?

(*d*) Have the Government considered the proposal?

(*e*) If so, what is Government's decision on it?

MEMBER in charge of DEPARTMENT of AGRICULTURE and INDUSTRIES (the Hon'ble Sir Hugh Stephenson): (*a*) Yes.

(*b*) No proposal of this nature is before Government. It has however been decided to start the following schools during the current financial year: —

(*1*) Calcutta Technical School as a non-Government institution under a governing body.

(*2*) Berhampore Silk Weaving Institute.

(*3*) Suri Weaving School in co-operation with the District Board.

(*c*), (*d*) and (*e*) The proposal for the improvement of the Barisal Technical School is now under the consideration of Government.

Dr. H. W. B. MORENO: With regard to answer (*b*), is the Government aware that the committee appointed for considering the question of unemployment among *bhadralok* classes, Anglo-Indians and Indians, made any definite proposals for the spread of technical and vocational studies?

The Hon'ble Sir Hugh Stephenson: As far as my recollection goes, they did not make any proposal that vocational studies should be extended by establishing new schools even at the reduction of Government secondary schools.

Détenu Mahendranath Das.

***XCIX. Dr. KUMUD SANKAR RAY:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state—

(*i*) at which jails Babu Mahendranath Das was detained during the period of his imprisonment; and

(*ii*) what were the reasons for his removal?

(*b*) Is it a fact that Mahendranath Das is suffering from tuberculosis?

(*c*) Was he medically examined by any medical board or jail authority?

(*d*) Is there any record of the result of such examination?

(*e*) If so, will the Hon'ble Member be pleased to place such records on the table?

(*f*) What is the present condition of his health?

(*g*) Will the Hon'ble Member be pleased to state what arrangements, if any, have been made for special medical treatment, diet and hygienic surroundings required in such cases?

The Hon'ble Sir HUGH STEPHENSON: (*a*) to (*g*) The member is referred to the reply given to unstarred question No. 83 on the same subject by Babu Romes Chandra Bagchi in this session of the Council.

Compounders of State hospitals and dispensaries.

***XCX. Babu SUDARSAN CHAKRAVORTY:** (*a*) Is the Hon'ble Member in charge of the Department of Local Self-Government aware that there is a feeling of general discontent amongst the compounders employed in State hospitals and dispensaries over their pay and prospects?

(*b*) Is it a fact that in 1908 the maximum pay of the compounders was the minimum pay of the sub-assistant surgeons, but that in 1921 when the minimum pay of the sub-assistant surgeons was raised to Rs. 75 the maximum pay of the compounders was raised to Rs. 50 only?

(*c*) Will the Hon'ble Member be pleased to state whether any improvement of pay and prospects of the compounders in the near future is under the contemplation of the Government?

(*d*) Will the Hon'ble Member be pleased to state whether it is a fact that there are two grades of compounders "special" and "ordinary" and that the compounders of the ordinary grade cannot be promoted to the special grade?

(*e*) Is it not a fact that the compounders of both the grades have to do work of the same nature and responsibility?

(*f*) If the answer to question (*e*) is in affirmative, will the Hon'ble Member be pleased to state whether the Government are considering the desirability of doing away with this bar to promotion for compounders of the ordinary grade?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: (*a*) No; the pay of compounders was revised only in May 1924.

(*b*) No. In 1907 the maximum pay of compounders was Rs. 10—1—2—15 in ordinary cases, and Rs. 20 in special cases, whereas the

minimum pay of sub-assistant surgeons was Rs. 25 per mensem. In 1921 the pay of sub-assistant surgeons was Rs. 60 during the probationary period and Rs. 75 afterwards: the pay admissible to compounders was Rs. 20—1—30 in ordinary cases, and Rs. 35 in selected cases.

(*c*) No. From May 1924 the pay of compounders was raised to Rs. 30—1—40 in ordinary cases, and Rs. 35—1—50 in special cases.

(*d*) There are not two grades of compounders in the ordinary sense of the phrase, but in certain appointments, namely, in Calcutta where the compounders' duties are more responsible, a slightly higher rate of pay is admissible.

(*e*) No.

(*f*) The question does not arise.

Unstarred questions

(answers to which were laid on the table.)

Elective system for the Jalpaiguri and Malda District Boards.

94. Babu ROMES CHANDRA BACCHI: (*a*) Will the Hon'ble Member in charge of the Department of Local Self-Government be pleased to state whether it is a fact that in all districts of this province, excepting the districts of Malda and Jalpaiguri, members of District Boards are elected by the people thereof?

(*b*) What are the reasons for not introducing, as yet, the system of election in the District Boards of Malda and Jalpaiguri?

(*c*) Are the Government considering the desirability of introducing the elective system in the District Boards of Malda and Jalpaiguri?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: (*a*) The answer is in the affirmative. In the case of Jalpaiguri, however, three out of 21 members are elected by the Alipur Duars Local Board.

(*b*) and (*c*) Under the Local Self-Government Act, where there is no Local Board in a district, all the members of the District Board are appointed. In Malda, up till now, there have been no subdivisions and hence no Local Boards. Consequently all the members of the Malda District Board are appointed by the Commissioner. It is possible to establish Local Boards in areas less than a subdivision, provided Union Boards are established under the Village Self-Government Act, but as no Union Boards have been formed in Malda, no Local Boards can be created even under the provisions of the Village Self-Government Act.

As regards Jalpaiguri, the member is referred to the reply to the question regarding the introduction of the elective system in the Jalpaiguri District Board, asked by Mr. Nisith Chandra Sen at the Council meeting, held on the 18th February, 1924.

A Sadar subdivision has just been created at Jalpaiguri and Government will consider the question of creating a Local Board for that area.

Government expect shortly to take up the amendment of the Local Self-Government Act, and, if Local Boards are retained, it would be possible to make their formation more easy and elastic.

Electoral rolls for election to local bodies.

95. Rai Sahib PANCHANAN BARMA: (*a*) Will the Hon'ble Member in charge of the Department of Local Self-Government be pleased to state whether he is aware that in the preparation of the electoral rolls for the local bodies, mistakes of the following nature are made, namely:—

(*i*) the names of electors are not properly written or spelt;

(*ii*) errors in printing;

(*iii*) the addresses are not properly given; and

(*iv*) descriptions are not properly or wrongly given, *e.g.*, one brother is given as the father of another?

(*b*) Is the Hon'ble Member also aware that in the last electoral rolls

(*i*) females who had then no right for franchise were entered in the rolls;

(*ii*) persons not qualified were entered in the rolls; and

(*iii*) qualified persons were left out?

(*c*) Is the Hon'ble Member also aware that for reasons stated in (*a*) and (*b*), the polling officers were put to difficulty in ascertaining the facts and for those reasons refused permission to many persons to record their votes?

(*d*) If the answer to (*a*), (*b*) and (*c*) are in the negative, are the Government considering the desirability of directing an inquiry to be made into the matter by an examination of the last electoral rolls?

(*e*) Are the Government considering the desirability of taking steps to scrutinize the future electoral rolls when prepared by the village panchayats and before publication?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: (*a*) to (*c*) No specific instances of mistakes of the nature described have been brought to the notice of Government, but they are aware that the electoral rolls of local bodies are not free from inaccuracy in all cases and that such inaccuracies must necessarily cause inconvenience to voters and polling officers alike.

(*d*) This question does not arise.

(*e*) The attention of District Officers and local bodies concerned will be drawn as to the necessity for taking steps to secure greater accuracy in the preparation of voters' lists when they are next revised.

Building Grants to Schools.

96. Rai HARENDRANATH CHAUDHURI: Will the Hon'ble Member in charge of the Department of Education be pleased to lay on the table a statement showing separately, for the last four years, beginning with 1921-22, for Indian, European and Anglo-Indian schools—

(*i*) the number of applications received for capital grants for building purposes;

(*ii*) the number of applications granted; and

(*iii*) what sums were granted?

The Hon'ble Sir ABD-UR-RAHIM: A statement is laid on the table.

Statement referred to in the reply to unstarred question No. 96, showing the number of applications for building grants received during the last four years.

(*i*) Number of applications received for capital grants for building purposes—

(*a*) Indian schools—1921-22, 229; 1922-23, 183; 1923-24, 169; 1924-25, 219.

(*b*) European and Anglo-Indian schools—1921-22, 17; 1922-23, 8; 1923-24, 11; 1924-25, 14.

(*ii*) Number of applications granted—

(*a*) Indian schools—1921-22, 76; 1922-23, 56; 1923-24, 87; 1924-25, 93.

(*b*) European and Anglo-Indian schools—1921-22, 16; 1922-23, 5; 1923-24, 4; 1924-25, 6.

(iii) What sums were granted—

(*a*) Indian schools—1921-22, Rs. 1,40,311; 1922-23, Rs. 82,958; 1923-24, Rs. 71,111; 1924-25, Rs. 77,678.

(*b*) European and Anglo-Indian schools—1921-22, Rs. 1,05,225; 1922-23, Rs. 49,971; 1923-24, Rs. 20,000; 1924-25, Rs. 57,000.

Muhammadans in the Forest Service.

97. Maulvi MD. NURUL HUQ CHAUDHURY: (*a*) Will the Hon'ble Member in charge of the Department of Revenue be pleased to state the reasons for the paucity of the Mussalmans in the Forest Service?

(*b*) Are the Government considering the desirability of giving increased number of appointments to the Mussalmans?

MEMBER in charge of DEPARTMENT of REVENUE [FORESTS] (the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur of Nadia): (*a*) One reason is the small proportion of the applications received from Muhammadans, probably because Muhammadans had not qualified themselves in large numbers for technical services; another reason is that the upper branches of the service are largely recruited by promotion.

Both the recruits who have joined the Imperial Forest Service in Bengal this year are Muhammadans.

(*b*) The question of increasing the number of Muhammadans in the public services is under the consideration of Government.

Communications within Arambagh subdivision.

98. Babu KHAGENDRA NATH GANGULY: (*a*) Will the Hon'ble Member in charge of the Department of Local Self-Government be pleased to state whether it is a fact that from the nearest railway station in the subdivision of Arambagh, within the district of Hooghly, there is no road fit for vehicular traffic for a distance of about 14 miles?

(*b*) Is the Hon'ble Member aware—

(*i*) that portions of the Old Benares Road have been completely washed away by flood; and

(*ii*) that during the rainy season more than six miles of the road remain under water?

(*c*) If the answer to (*b*) is in the affirmative, what steps are being, or are intended to be, taken to make the road fit for traffic?

(*d*) Will the Hon'ble Member be pleased to state whether it is a fact—

(*i*) that a large number of rivers and streamlets within the said subdivision are without bridges; and

(*ii*) that passengers have to cross some of them by boats and to wade through the others?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: (*a*) to (*d*) Government have no information. The question relates to matters which are primarily the concern of the Hooghly District Board, and it is suggested that the member should move the District Board in the matter.

Anglo-Indians and Indian Christians in the Provincial Executive and Forest Services.

99. Mr. F. E. JAMES: Will the Hon'ble Member in charge of the Department of Revenue be pleased to lay on the table a statement showing for the past five years the number of appointments given to the– (*a*) Anglo-Indians, and (*b*) Indian Christians in the—

(*i*) Provincial Executive Service; and

(*ii*) Forest Service?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: (*i*) One Anglo-Indian officer was appointed to the Bengal Civil Service by direct recruitment during the past five years. One Indian Christian was promoted to that Service from the Subordinate Civil Service.

(*ii*) No Anglo-Indian or Indian Christian has been newly appointed to either the Imperial or Provincial Forest Service in Bengal during the past five years. One Anglo-Indian officer was promoted from the Provincial to the Imperial Service.

Extension of Central Avenue beyond Beadon Street.

100. Mr. TARIT BHUSAN ROY: Will the Hon'ble Member in charge of the Department of Local Self-Government be pleased to state when the work of extending the Central Avenue beyond Beadon Street towards the north will be taken in hand?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: The member is referred to the reply given by Government

to his unstarred question No. 39 on the same subject on the 28th January, 1924. The Chairman of the Calcutta Improvement Trust states that it is not possible yet to say when the work of extending Central Avenue beyond Beadon Street will be taken in hand. The scheme is linked up with—

(*a*) the question of the addition of roadways and fcotpaths to the proposed railway bridge over the Hooghly at Bally;

(*b*) the remodelling of the Chitpur marshalling yard; and

(*c*) the reconstruction of the bridge over the canal and railway at Chitpur.

Until decisions are reached regarding these schemes, it is not much use extending Central Avenue, for the present, beyond Beadon Street. Recently Government have come to a decision to reconstruct the bridge over the canal at Chitpur, while the Council has decided not to have roadways and footpaths attached to the Bally Bridge, and it only remains to deal with scheme (*b*).

Muhammadans in Government services.

101. Maulvi NAJMUDDIN AHMED: (*a*) Will the Hon'ble Member in charge of the Appointment Department be pleased to state when the announcement that one-third of all appointments in every service should be given to Moslems in all services was first made by the Government?

(*b*) Has the proportion of one-third been reached?

(*c*) If not, will the Hon'ble Member be pleased to state what steps have been taken for attaining that object?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Sir Hugh Stephenson: (*a*) No such announcement has been made. The member will find the orders in force in respect of certain services in paragraph 4 of the Rules for the recruitment of the Bengal Civil Service and certain other services by competitive examination, published in notification No. 6548A., dated the 26th June, 1925. In 1914, Government issued orders that in districts other than Darjeeling and the districts of the Burdwan Division the object in view was to provide that Muhammadans should hold one-third of the ministerial appointments and that with that object a Muhammadan should be appointed to every third vacancy.

(*b*) and (*c*) The proportion of one-third has been reached in some services and offices, but not in all, and the rules in force are observed.

Among the reasons which account for the full proportion of one-third not having been reached in all cases are the following:—

(*1*) Some services are filled partly by direct recruitment and partly by promotion from lower services. Promotion is made on a consideration of merit alone.

(*2*) Sometimes Muhammadans who have been appointed leave the services or posts to which they have been appointed on the offer of a better appointment, and this retards the attainment of a proportion of one-third.

(*3*) If a service or office contained a preponderating number of non-Muhammadans when the orders first came into force, the method of appointing Muhammadans to one-third of the vacancies necessarily takes time to create a service of which one-third are Muhammadans.

The subject of Muhammadan appointments has recently been under the consideration of Government and some time will elapse before orders are issued. Conditions vary in different services and the subject is a more complicated one than is generally supposed. If the member desires to have a further explanation of the nature of the problem, the Chief Secretary will be glad to give it to him.

Municipal laws of Howrah.

102. Babu KHAGENDRA NATH GANGULY: (*a*) Will the Hon'ble Member in charge of the Department of Local Self-Government be pleased to state whether the Government have come to a decision on the report submitted to them by the Municipal Commissioners of Howrah in compliance with the Local Self-Government Department letter No. 931 M., dated the 12th March, 1924, indicating in what matter the Bengal Municipal (Consolidation and Amendment) Bill of 1923 fails to meet the requirements of the Howrah Municipality?

(*b*) If so, will the Hon'ble Member be pleased to state what that decision is?

(*c*) If the Government have not come to a decision, are they considering the advisability of coming to a decision before the Bill in question becomes a Statute?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: (*a*) and (*b*) In view of the fact that permission to introduce the Bengal Municipal Bill has been refused by the Legislative Council, Government are of opinion that the question of drafting a special Municipal Bill for Howrah, as recommended in the report, need not at present be considered.

(*c*) In the circumstances stated above the question does not arise.

Babu KHAGENDRA NATH GANGULY: Will the Government be pleased to state the reason for the refusal of the Bengal Municipal Bill by the Bengal Legislative Council, and the introduction of a separate Bill by Government?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: Government did not seem satisfied that a separate Bill was necessary for Howrah.

Babu KHAGENDRA NATH GANGULY: Is it not a fact that the provisions of the proposed Municipal Bill for Howrah are radically different from the Bill introduced in the Council?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: So far as I know I think there is no proposed Bill for Howrah.

Inspector Hyder of Calcutta Police.

103. Khan Bahadur S. MAHBOOB ALEY: (*a*) With reference to the reply given to my unstarred question No. 134 at the last August session of the Bengal Legislative Council, is the Hon'ble Member in charge of the Police Department aware that from the Bengal Civil List of 1st January, 1925, page 289, it appears—

(*i*) that Inspector N. N. Mazumdar stood 26th in the gradation list; and

(*ii*) that a Muhammadan Inspector stood 20th in the said list?

(*b*) Is it also a fact that Babu N. N. Mazumdar is not a matriculate student?

(*c*) Is it a fact that the Muhammadan officer referred to in (*a*) (*ii*) is a graduate with European training?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Sir Hugh Stephenson): (*a*) (*i*) and (*ii*) Yes; but Inspector N. N. Mazumdar was appointed sub. *pro tem.* Inspector in the Special Branch in 1916, nearly 4 years before Inspector Hyder was appointed to the rank of Inspector.

(*b*) It is not a fact. He passed the Entrance Examination, which corresponded to the Matriculation Examination.

(*c*) He is a graduate and is reported to have visited England on leave, but he had no European training.

Water-hyacinth.

104. SHAH SYED EMDADUL HAQ: (*a*) Is the Hon'ble Member in charge of the Department of Agriculture and Industries aware that—

(*i*) the canals and the rivers of Bengal are becoming impassable by boats on account of water-hyacinth; and

(*ii*) the water-hyacinth is causing damage to the crops and to the health of the people of the country?

(*b*) Will the Hon'ble Member be pleased to state what steps have been taken on the circular issued by the Government to District Boards on the matter?

(*c*) Have the Government any information as to whether any District Board did actually take steps to remove the nuisance of the water-hyacinth?

The Hon'ble Sir HUGH STEPHENSON: (*a*) (*i*) Obstruction to navigation has been caused by water-hyacinth in certain waterways and stagnant khals, bhils, etc., in the low-lying tracts of the province.

(*ii*) It has done some damage to low land crops, especially paddy in Eastern Bengal. There is no evidence that water-hyacinth directly causes disease. Its presence, however, in tanks and rivers, results in a fouling of the water by its decomposition.

(*b*) and (*c*) Most of the District Boards have adopted bye-laws to enforce the destruction or removal of the weed. The bye-laws have been found to be ineffectual. The District Boards of Dacca, Faridpur, Noakhali and Jessore are reported to have incurred some expenditure for the destruction of the weed.

Co-operative Banks in Tippera.

105. SHAH SYED EMDADUL HAQ: (*a*) Will the Hon'ble Member in charge of the Department of Agriculture and Industries be pleased to state whether it is a fact that in the Tippera district there has been insufficient production of crops this year and last year?

(*b*) Is it a fact that there is scarcity of money in the district?

(*c*) Is it also a fact that the cultivating class cannot borrow money even at 25 per cent. interest?

(*d*) Have the Government considered the desirability of increasing the number of co-operative banks in this district?

(*e*) Is the Hon'ble Member aware that the local officers in charge are not in favour of starting village banks at Chandina and Laksam?

(*f*) Are the Government considering the desirability of increasing the number of honorary organizers and of considering their report with a view to starting new banks?

(*g*) Are the Government considering the desirability of making an inquiry into the matter?

The Hon'ble Sir HUGH STEPHENSON: (*a*) to (*e*) No.

(*f*) The existing arrangements for the organization of societies are considered sufficient.

(*g*) No.

Dolai khal.

106. Dr. MOHINI MOHAN DAS: (*a*) Is the Hon'ble Member in charge of the Department of Irrigation aware that the Dolai khal, which passes through the city of Dacca, remains dried up for about 8 months in the year?

(*b*) Is the Hon'ble Member also aware that the said khal receives discharges from a number of latrines and public and private drains?

(*c*) Is the Hon'ble Member aware that cholera and other infectious diseases break out in virulent forms in the neighbourhood of the Dolai khal?

(*d*) Is it a fact that Rai Sailendra Nath Banerji Bahadur, Executive Engineer, Irrigation Department, submitted a scheme for the canalization of the Dolai khal?

(*e*) Have the Government considered the said report and formulated any scheme for the canalization of the khal, as suggested by that officer?

(*f*) Is it a fact that Mr. Addams-Williams, Chief Engineer, Irrigation Department, paid a visit to Dacca in March last, had a conference with some leading gentlemen of the town and admitted the feasibility of canalizing the khal?

(*g*) Will the Hon'ble Member be pleased to state whether it is proposed to undertake the canalization of the Dolai khal?

(*h*) If so, when will that proposal be given effect to?

Member in charge of DEPARTMENT of IRRIGATION: the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur of Nadia: (*a*) The khal dries up for several months every year.

(*b*) Yes, but less than used to be the case.

(*c*) The diseases mentioned are not specially restricted to the vicinity of the Dolai khal, but are distributed throughout the city.

(*d*) to (*f*) Yes.

(*g*) and (*h*) The matter is under consideration and further information is being gathered with a view to reduce the cost of the scheme; until this has been done, it is not possible to state definitely when the scheme will be carried out.

Travelling allowances of school sub-inspectors.

107. Babu ROMES CHANDRA BACCHI: (*a*) Will the Hon'ble Member in charge of the Department of Education be pleased to state whether he is aware that the school sub-inspectors cannot now draw their travelling allowances with their pay?

(*b*) Is it a fact that their travelling allowance bills are not generally paid before some months have elapsed after submission?

(*c*) Are the Government aware that these officers are put to inconvenience owing to the delayed payment of their travelling allowance bills?

(*d*) Are the Government considering the desirability of allowing a fixed monthly travelling allowance to these officers to be drawn along with their pay?

The Hon'ble Sir ABD-UR-RAHIM: (*a*) Sub-Inspectors of Schools who receive a fixed boat allowance or fixed travelling allowance in special areas draw such allowance in their monthly pay bills in terms of Rule 84 of the Bengal Financial Rules. Other officers of all grades draw travelling allowance separately on travelling allowance bill forms.

(*b*) and (*c*) The travelling allowance bills of Sub-Inspectors of Schools are passed by the Divisional Inspectors of Schools. No complaints have reached the Director of Public Instruction but an inquiry will be made into any specific complaints.

(*d*) No.

Panskura station on Bengal Nagpur Railway.

108. Babu MAHENDRA NATH MAITY: Is the Hon'ble Member in charge of the Department of Public Works aware that Panskura is the nearest Bengal Nagpur Railway station from Tamluk in the district of Midnapore from which there is a metalled road and a motor car service to Tamluk?

The Hon'ble Mr. J. DONALD: Yes.

Municipal administration of Dacca.

109. Maulvi ALLAH BUKSH SARKAR: (*a*) Is the Hon'ble Member in charge of the Department of Local Self-Government aware that the general election of the Dacca Municipality held on 3rd March, 1925, has been set aside and a permanent injunction issued?

(*b*) If so, what steps do the Government propose to take to carry on the municipal administration of Dacca?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: (*a*) Yes.

(*b*) An appeal was filed against the judgment of the lower court and it is understood that the District Judge of Dacca has decided the appeal in favour of the elected commissioners.

The question of Government taking action does not therefore arise

Government control over certain medical institutions.

110. Babu NALINIRANJAN SARKER: (*a*) Will the Hon'ble Member in charge of the Department of Local Self-Government be pleased to state what is the nature and extent of control exercised by Government over the management and finance of each of the institutions named below—

(*i*) the Calcutta Medical College and Hospital;

(*ii*) the Sambhunath Pandit Hospital;

(*iii*) the Presidency General Hospital;

(*iv*) the Mayo Hospital;

(*v*) the Ranchi Lunatic Asylum; and

(*vi*) the Calcutta School of Tropical Medicine?

(*b*) Will the Hon'ble Member be pleased to state whether there is a governing body for the management of each of the institutions mentioned in (*a*)?

(*c*) If so, how are such governing bodies constituted in each case?

(*d*) What are the names of the present members of each such governing body?

(*e*) When and for what term were these members last appointed?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: (*a*) (*i*), (*ii*), (*iii*) and (*vi*). These are Government institutions and Government have complete control over their management and finances.

(*iv*) Government exercise no direct control over the Mayo Hospital. The election by subscribers of members of the Board of Governors requires the approval of Government who make an annual contribution of Rs. 34,000 to the institution.

(*v*) The Ranchi Mental Hospital for Europeans is vested by Act XIII of 1922 in a Board of Trustees of which 4 are nominated by the Government of Bengal who also are consulted before the budget of the Trustees is finally sanctioned. Other Trustees are elected by the other

contributory Governments (the institution being used by several Governments), the European Association and Anglo-Indian and Domiciled European Association (Bengal).

(*b*) *Vide* reply to question (*a*).

There is also a Board of Governors appointed by Government for the Sambhunath Pandit Hospital. In the case of the School of Tropical Medicine, a Managing Committee was created by a legal instrument the Charitable Endowments Act, 1890, consisting of—

(*1*) the Director-General, Indian Medical Service (*President*);

(*2*) the Surgeon-General (*Vice-President*);

(*3*) the Director of the School;

(*4*), (*5*) and (*6*) Three Professors of the School to be nominated by Nos. (1), (2) and (3).

(*7*), (*8*) and (*9*) One nominee each of the Indian Tea Association, Indian Jute Association and Indian Mining Association, which contribute towards the institution;

(*10*) Sir K. C. Bose; and

(*11*) J. G. Apcar.

Nos. (10) and (11) to hold office during their life-time or until they resigned, after which their vacancies will be filled up by the other members of the committee. The administration of the Endowment Fund (Rs. 3,55,000) is vested in the committee.

(*d*) and (*e*) A statement giving the information is laid on the Library table.

Resolutions

(on matters of general public interest).

Amendment of Rule 3 of the Bengal Electoral Rules.

Mr. M. DAUD: I beg to move that this Council recommends to the Government that early steps be taken to move the proper authorities to amend Rule 3 of the Bengal Electoral Rules with a view to remove the present disability of the labouring classes to send their own elected representatives, by granting special electoral franchise to them and by allotting at least eight seats to them to be represented through different special labour constituencies.

With the introduction of Reforms, Labour has received statutory recognition as a *distinct interest* in some of the Legislatures in India that came into existence under the Government of India Act of 1919. The representation has been given by means of nomination which is

provided under Rules made under Government of India Act. This recognition has marked an advance in the evolution of the Labour movement in India. But the representation that has been given to it is not in proportion either to the numerical strength of the working classes, or to the importance of the interest represented. The representation could only make the voice of Labour heard in the Legislatures where it could not be heard before and only in a very few cases it could make that voice somewhat effective. Important Labour problems such as limitation of working-hours, housing-accommodation, sanitation, wage-disputes, provident funds, bonuses, compensation for accidents, maternity and child-welfare benefits, abuses, prevalent in the system of engagements, and disputes between workers and employers resulting in the paralysis of works in trades and industries, require careful and serious consideration by the Legislatures. Factories, settlement of labour disputes, welfare of labour including provident funds, industrial insurance (general health and accident) and housing are subjects which require legislation by the Indian Legislatures, but Labour administration is provincial and hence, local Legislatures are always to deal with these subjects for administering the same in the provinces. Therefore, to safeguard the interest of the working classes, it is absolutely necessary that labour should be properly represented in the Legislatures.

[At this stage the Hon'ble the President left the Chamber and the Deputy President took the Chair.]

My resolution stands on two different issues. The first issue involves the discussion of the question of principle, that is, whether labour should be represented by nomination or election.

In this connection I beg to draw the attention of the House that the spirit which permeates through the Government of India Act of 1919, is evident from the joint report on Indian Reforms (paragraph 232, page 150) that

> the anomaly involved in the presence of nominated members in a Council to which we are giving some responsible powers must, we think, be accepted as one of the necessary illogicalities attendant on a transitional period. Such nominations are made for a representative purpose and can remain in such a way as to secure representation. Nomination has in our eyes the great advantage over the alternative of extending the class or communal system that it can be more easily abolished when the necessity for it ceases. We look to the desire of the communities represented by nominated members to see their representatives in Council placed upon the same footing as those of other communities to help us in securing the extension of the territorial principle of representation wherever possible . . . . There may be cases in which nomination proves an unsuitable method of securing the representation of minorities. In such cases the committee should consider whether the needs of the case would be made by reserving to a particular community a certain number of seats in plural constituencies . . . .

The position, therefore, comes to this that election is the rule for minority-representation and nomination and exception. The idea is always to give the go-by to it as soon as the necessity for nomination ceases, and election should be taken recourse to. The Franchise Committee next sat to investigate the methods on which seats would be allotted to

different communities. And so far as labour-representation is concerned, it had preferred nomination instead of election. Labour in Bengal was in a chaotic condition and there were only four or five labour organizations existing in this Presidency. It is true that labour organization is not very strong to-day like the capitalists, but the work in that direction is proceeding steadily and at present Bengal had 50 to 55 organizations representing the various classes of workers employed in different industrial and commercial concerns of the country. These representative labour organizations have realized that the system of nomination to represent its interest in the Legislature is not compatible with the spirit for which it is to be represented for the purpose of doing good to it. These strong unions can form the basis of setting up special labour electorates and once this basis is formed, other unions will not fail to quickly build up their strength. It is also equally clear that representatives elected by labour organizations even as they are to-day, will command the confidence of the working classes in a greater measure than what may be enjoyed by those nominated by Government. They will also represent labour interest much better than the nominated representatives, because the former will have always to be amenable to the will of their electors while the latter have no such responsibility. The growing strength of labour organizations cannot but be recognized and labour has become a class by itself and has made its importance felt in the body-politic of the country. Such a body conscious of its own strength, position and ideal in the political horizon is now refusing to be represented by nomination and like the capitalists wants to send its own men to its choice. To make the case for direct representation by election more strong, I beg to refer to the majority and minority recommendations of the Muddiman Committee's report.

MAJORITY RECOMMENDATION—(P. 50).

"There is a very general recognition of the fact that it is desirable that both these interests (*viz.*, the depressed classes and factory labour) should receive further recommendation, and we are in agreement with this view. In the constitution of some of the provincial Councils the representation of the depressed classes and of the labouring classes by nomination is already provided for, but we do not consider that this representation is adequate. . . . . In regard to urban factory labour we consider that it would be preferable to provide for the further representation by election."

MINORITY RECOMMENDATION—(P. 180).

"As regards the representation of the depressed and working classes we are of opinion that the correct principle to follow would be to lower the franchise so as to give them a chance, through the open door

of election in general electorates; but where practical considerations point to a different conclusion, we would suggest that for the next few years only special constituencies might be formed for them. . . . . Similarly, as regards factory labour, we favour the representation by election. We think though disorganized at present, labour is showing signs in urban areas of organizing itself at no distant date. We anticipate that this process will be expedited by labour Legislation which we understand is under contemplation of the Government of India."

The report, therefore, admits that labour representation through nomination is not adequate and that it should receive further representation. The report further admits that it would be preferable to provide for further representation by election. Hence, it follows that until adult suffrage is introduced and so long as the special constituencies exist for the commercial and industrial employers, the working classes must also be given the same privilege of sending direct representatives to be elected from special labour constituencies. Important representative labour organizations of Bengal are demanding that the labouring classes should be represented in the Council directly by election than indirectly by nomination. Distinguished British labour leaders like Col. Wedgwood, M.P., Mr. Jhonston, M.P., Major Graham Poles who have studied labour problems in this country are of opinion that labour should be represented in the Legislatures not by nomination but by election. Therefore, it is evident that it is high time to grant direct representation to labour.

Before I deal with the second issue of the question, I want to make it absolutely clear that I demand eight seats not from 140 seats at present existing, but by adding six more seats to the present number.

Under the existing constitution labour is represented in this Council by two members nominated by the Government under Rule 3 clause (3) (c), whereas, the employers of labour are represented in this Council by 15 members, elected from special employers' constituencies representing the interests of only about 1,300 merchants and tradesmen. The following is the list of the number of seats allotted to the employers in their special constituencies:—

Special employers' constituencies.

	Seats.	Electors.
(1) Bengal Chamber of Commerce ...	6	218
(2) Bengal National Chamber of Commerce ...	2	180
(3) Indian Jute Mill Association ...	2	169
(4) Indian Mining Association ...	1	130
(5) Calcutta Trades' Association ...	1	168
(6) Bengal Mohajan Sabha ...	1	205
(7) Indian Tea Association ...	1	
(8) Bengal Marwari Association ...	1	

The figures given above show the hollowness of employers' representation and when compared with the strength of workmen numbering about 14 lakhs given below, it would convince the House whether labour can legitimately demand at least half the seats namely, eight to represent its interest side by side with the employers:—

1. Factory workers 5,23,635 (employed in 1,008 factories).
2. Railwaymen—
   (*a*) Bengal-Nagpur Railway, Kharagpore Workshop—20,000
   (*b*) East Indian Railway, Lilloah Workshop 15,000
   (*c*) East Indian Railway and Howrah Workshop—5,000
   (*d*) Eastern Bengal Railway—48,000
   (*e*) Assam-Bengal Railway and others—13,000.
3. Seamen—
   (*a*) employed in foreign-going ships 1,00,000 (up to February, 1924, 1,86,059 seamen have been registered in the shipping office and it is calculated that from 1887 up to date roughly 86,059 men either left their services or died).
   (*b*) Inland steamers, ferries, launches, boats, etc.—20,000.
4. Miners—50,000
5. Printers—50,000
6. Dockers—30,000
7. Tramwaymen. Other transport workers—25,000
8. Commercial employees—1,00,000.
9. Labourers in Tea Gardens—4,00,000.

The representations of these workers should be through their organizations on the basis of special labour constituencies for each class of workers. The names of organizations and the number of seats which I suggest to be allotted to them are as follows:—

1. Organization of Factory labourers—Two seats.
   (*i*) Howrah Labour Union.
   (*ii*) Kankinara Labour Union.
   (*iii*) Bengal Jute Workers' Association, Bhatpara.
   (*iv*) Nadia Mill Workers' Association, Bhatpara.
   (*v*) Gouripore Workers' Association, Gouripore.
   (*vi*) Reliance Labour Union.

(*vii*) Hosiery Workmen's Union.

(*viii*) Calcutta Labour Association.

(*ix*) Calcutta Corporation Employees' Association (Workshop Section).

2. Organizations of Railwaymen—One seat.

(*i*) Bengal-Nagpur Railway, Indian Labour Union.

(*ii*) Eastern Bengal Railway, Indian Employees' Association.

(*iii*) East Indian Railway Labour Union.

3. Organizations of Seamen—One seat.

(*i*) Indian Seamens' Union.

(*ii*) Bengal Mariners' Union.

4. Organizations of Minors—One seat.

(*i*) Indian Colliery Employees' Association.

5. Organizations of Printers—One seat.

(*i*) Press Employees' Association.

(*ii*) Linotype Workers' Association.

(*iii*) Calcutta Corporation Employees' Association (Printing Section).

6. Organizations of Dockers, Tramwaymen, and other Transport Workers—One seat.

(*i*) Labour Association of Bengal.

(*ii*) Calcutta Tramway Employees' Union.

(*iii*) Transport Workers' Union.

7. Organization of Commercial Employees—One seat.

(*i*) Employees' Association.

(*ii*) Calcutta Port Trust Employees' Association.

(*iii*) Calcutta Corporation Employees' Association.

As at present there is no organization for labourers in the Tea Gardens, their cause will be considered in future.

Now let us see how far Rule 3 of the Bengal Electoral Rules can be amended so as to give labour 8 seats instead of the existing 2. Section 72A, clause (2) of the Government of India Act provides "that the number of members of the Governors' Legislative Councils shall be in accordance with the table set out in the First Schedule to this Act; and of the members of each Council not more than 20 per cent. shall be official members, and at least 70 per cent. shall be elected members", and clause (*a*) to that sub-clause (2) provides: "Provided that subject

to the maintenance of the above proportions, rules under this Act may provide for increasing the number of members of any Council, as specified in that schedule". The First Schedule of the Government of India Act says that Bengal has only been allotted 125 seats, but at present we see here 140 seats. How has that change been made. This change has been made under section 129A of the Government of India Act which lays down that "where any matter is required to be prescribed or regulated by rules under this Act and no special provision is made as to the authority by whom the rules are to be made, the rules shall be made by the Governor-General in Council, with the sanction of the Secretary of State in Council, and shall not be subject to repeal or alteration by the Indian legislature or by any local legislature". The proposal that I have made in my resolution to amend the rule has not come out from me for the first time, but I have my precedent for it. I have already said that the number of seats in the Bengal Legislative Council as recommended by the Franchise Committee and incorporated in the First Schedule of the Government of India Act was 125 (100 seats for the elected members, 20 for officials and 5 for nominated non-officials). This recommendation was accepted *in toto* by Parliament as we find it so incorporated in the Schedule of the Act, but instead of 125 members we see here 140 in this Council, and the Bengal Chamber of Commerce which was allotted only 4 seats by the Franchise Committee is at present enjoying 6 seats. How have these changes been made? These changes have been made under section 129A of the Government of India Act, and Notifications No. 667-F., dated the 29th July, 1920, and No. F-213-V, dated the 30th July, 1923, will show these changes. Evidently therefore, there is no constitutional bar to amend Rule 3 of the Bengal Electoral Rules and in place of 114 elected seats 122 should be allotted and in place of 2 members nominated by the Government it should be that all the members should be elected. These 8 seats for labour should be represented like the Industrial Employers through different special labour constituencies and those constituencies should be their organizations like the employers. The matter of creating special labour constituencies would be much facilitated as soon as the Trade Union Bill, which is now before the Legislative Assembly, is passed. The matter will be much expedited and labour will get much facilities to standardize those special constituencies. The commercial and industrial employers have at present got 15 seats as I have already said, and it is reasonably expected—and I am placing my views before my Swarajist friends that they will show sympathy to labour and this is the chance that labour has got in this Council so long as they are here, labour might get special electoral franchise and be in a position to send their elected representatives to this Council; and I also appeal to my Nationalist friends to support my resolution in view of the fact that under the existing constitution the representatives of 1,300 merchants and tradesmen are here in a large number—they are 15 in

number—whereas we who represent at least 14 lakhs of workmen are two here, and we have come here by means of nomination, and it is for my friends to decide whether labour should come through election or labour will have to depend in future on nomination.

With these words I move the resolution that stands in my name.

Dr. PRAMATHANATH BANERJEA: I beg to move as an amendment to Mr. Daud's resolution that all words commencing from " and by allotting at least eight seats " be omitted from this resolution.

Sir, the resolution moved by Mr. Daud divides itself into two parts. In the first part he asks the Council to recommend the substitution of the principle of election for the principle of nomination: in the second he asks for an increase in the number of seats now allotted to labour. So far as the first part is concerned, I wholeheartedly associate myself with this demand. The present system under which Government nominate two members to represent labour is a bad one. The nominated members are in no sense of the term real representatives of the labouring population. They owe their seats to the good graces of Government and naturally they are unable to displease the Government and perform their duties fearlessly for fear of losing their seats. The labour seats, therefore, at present mean so much more power to the elbow of Government. The sooner the system of nomination is replaced by the system of election the better.

As for the second part, I am unable to support the demand for an extension of the principle of separate electorates. Separatism is the bane of India and until this tendency is checked, we shall never have an Indian Nation. Separate electorates always tend to prevent the growth of a feeling of solidarity among the members representing the various interests. They are often, and at best they may be regarded as, a necessary evil during the transition period.

Any extension of the principle of separate representation is bound to be injurious to the political progress of the country. I therefore, oppose this demand and I hope my amendment will commend itself to the House.

Dr. H. W. B. MORENO: I rise to support the resolution as moved by Mr. Daud. Sir, with the Reforms came the first recognition of labour in the Councils of the Empire. We have here in this Council sitting with us two nominated members representing labour. Everybody realizes and Dr. Pramathanath Banerjea has brought that out effectively, that the people nominated by Government are naturally misrepresented. Whatever they do, or however they act, they are open to misrepresentation on both sides. To free them from such trammels I think it is right and proper that election should be the basis on which they should come to this Council. In the Muddiman Committee, both the Majority and

the Minority Reports are in favour of giving Labour representation through the means of election and I understand that the Government of India are carefully considering these Reports. It would therefore strengthen their hands if the Bengal Government made their recommendation in terms of this resolution so that Bengal at least could have elected Labour representatives. The great talk now is for the broadening of the franchise and while we have all classes of interests represented, Labour has just this meagre representation which we find now in this Council. While we have the agricultural classes having a direct vote, the industrial workers are shut out completely. In this Council we have the employers of Labour very largely represented—almost abnormally represented—while the class of labourers is shut out, just only with this narrow outlet of two nominated members.

The difficulty that might present itself is, how are we going to have the basis of election for Labour representatives? I may point out here that the Government of India have on the anvil a Bill for the Registration of Labour Unions. This will put out from all recognition those spurious unions, most of whom are of mushroom growth, it will end, however, in the due recognition and establishment of proper Unions that are effective in voicing the particular interests they seek to represent. Now if these Unions be recognized, what harm is there in giving them the power of representation through properly elected candidates just as representation is given to properly recognized Associations voicing other interests such as the merchants' interests, the landlords' interests and so on and so forth? There can be no difficulty about this; if all these properly recognized Associations are able to send their representatives to the Council it should follow as a matter of course that the Labour Unions would be equally able to send proper representatives of Labour. I see here no clashing of interests. Labour does not seek to shut out the interests of the employer; it asks for an equal place with others. This Council should stand equally for the welfare of the employer and the employee. Talking about the important interests Labour possesses one would be staggered to find the number of people employed in industrial concerns; and unless and until some outlet is given to their representatives to speak out their grievances in this Council you have the danger of trying to sit upon the safety-valve of an engine, with the inevitable consequence. I know, being concerned with Labour for some time now, that it is a real need that Labour is pressing for and I feel sure that if this opportunity be given to Labour you will have a set of people here in the Council voicing the interests of Labour, which will not be in any way inimical to other interests.

Dr. Banerjea talked of the difficulty of having separate interests in Labour and of the clashing of these interests. The difficulty is a real one. You have a certain group of unions that gather round a particular interest, the textile workers, the printers, railwaymen among

whom are largely found Anglo-Indians. To jumble all these interests together, to give them promiscuous representation, say, 4 or 5 or 6, would lead to endless confusion. But if these interests were broadly separated you could have very effective representation sent from those unions gathering round particular interests.

I think Government should find very little against a resolution of this kind when they look to the doings of the "Old Country." Not long ago Labour was decried and looked down upon there; it went through vicissitudes and many changes of fortune. To-day it stands as the official opposition in the Mother of Parliaments, nay, it even assumed in the past the office of Government, and assumed it with credit to itself and to the Empire. The time has now come in Bengal, nay, in India when we should have Labour representation as effective as in England, following the same lines which Labour has followed in the "Old Country" till it becomes a real source of power in this land. The Government should look upon Labour, as Labour is looked upon in England to a great extent, as one of the most valuable adjuncts for the upholding of good order and government.

With these remarks I heartily support the resolution.

Babu UMES CHANDRA CHATTERJEE: I rise to oppose this motion. My reason is this: all mills are dangerous to this country and sooner the mills are closed the speedier will be the salvation of the country. Therefore, all sorts of impediments are to be placed in the way of the labouring class resorting to the mills. The mills are a great menace to agriculture and have caused immense injury to it. If mills multiply, lands will lie fallow. I will encourage mills when Indian brains will construct the necessary engines. We want advance towards swaraj; while we make a retrograde journey by efforts to make labour comfortable at the mills. This is surely an anomaly.

Mr. S. N. HALDAR: I am not going to detain the House and inflict a long speech upon them. First I shall deal with the point raised by my friend, Dr. Pramathanath Banerjea. He said that separate representation is impairing the political progress of the country. I quite agee with this in principle but having regard to the fact that under the present system representation in this Council is based on separate, communal and special electorates I do not see any reason why at the present moment such a large number and body of people should not have real representation in matters of legislation affecting them solely and no one else, and constantly coming up in this Council, should be debarred from sending one of their own men here. I tell the authorities that may be this is the sort of thing that hurts and I think on this ground alone Government ought to accept this resolution and give effect to it. Ever since the inauguration of the Trade Union Congress in this country every year they have been passing

resolutions to give representation to labourers particularly because at the present moment in the labour areas there are few who can take advantage of the general electoral rules. In the factories you will find labourers most of whom do not pay income tax or chaukidari tax; they cannot pay any revenue to get themselves represented; even if some of them do, they form a very small minority. But having regard to the fact that trade union legislation is coming into force very soon when every union which wants recognition by legislation will have it we in this Council should not oppose the resolution Mr. Daud has brought forward. Here you will see that we have got the representatives of the Bengal Chamber of Commerce, the Tea Planters, Zamindars, Land-holders, Marwari Chamber of Commerce, and the Bengal Mahajan Sabha. There are more than eight members who have come to look after the interests of the capitalists and capitalists alone. The principle of nomination has been extended to the depressed or rather oppressed classes, but nomination is very bad in principle because the choice remains with Government who thus become masters and the nominated people their servants.

With regard to Dr. Moreno who had a fling, a cheap fling at the lawyers who said that there are too many lawyers coming through elections, Dr. Moreno knows very well that in the case of a labour disputes it is the lawyers who come to the rescue and even——.

Dr. H. W. B. MORENO: I did not mention a single word against the lawyers. I have the highest respect for them including Mr. Haldar.

Mr. S. N. HALDAR: Even Dr. Moreno will find that if representation be given by election to the labourers a good many lawyers will come in through that. The Government nominee Mr. Daud happens to be a lawyer. Why did Mr. Daud get the nomination. Because he, in spite of his being a lawyer, took a great deal of interest in labour questions and tried to help the seamen in having their grievances redressed. That is certainly one of the reasons I dare say why Mr. Daud was nominated. As I have said I am against the principle of nomination and I say that the principle of election should be substituted in its place. If this principle is accepted then only two nominated members will go away from the Council but it will mean on the other hand an increase of four elected members—four being the number that Government will have to add to the number of seats in the Council and the legislation on this point, the Government of India Act, has given ample scope for the increase of seats. I whole-heartedly support the resolution moved by Mr. Daud and I hope this House will carry it.

Babu HEMANTA KUMAR SARKAR: I was just wondering if my friend Mr. Daud was like the man in the story cutting the branch

on which he was sitting. I suspect he must have lost all affection for the Government who has nominated him, and it is a good sign that he is now, as a true representative of labour, advocating their cause and pleading for election. It is the same old question still. I think so long as labour inarticulate, the intelligentia will exploit them. I find Labour M.L.C.'s. here who were never labourers themselves. Of course, if we stick to the definition of labour, as given by the British Labour Party, namely, labour by brain or by hand makes one a labourer, then these gentlemen are surely labourers. There are people, I mean the intellectual poletariats or physical poletariats, who are never represented in this House. I should like them to come in. Time will replace these leaders with leaders who will come from true Labour ranks. The programme of the Swaraj party does not go against the resolution; it includes the protection and promotion of Labour, and I hope my party will support this resolution in full.

Mr. P. H. BROWNE: I am sure the members of this House would be only too glad to welcome representatives of all classes of Labour, and to give their support to this resolution. I should like to see every class represented in this Chamber, but the point is, where are we going to put them all? At present we have very limited space—a Ladies' Gallery and a Visitors' Gallery—and there will be very little room for all the new members that have been suggested.

I would suggest that until we have a new building sanctioned and built, the question of further representation should be postponed.

[At this stage the Council was adjourned for ten minutes.]

[After the adjournment.]

[The Hon'ble the President returned to the Chair.]

Babu AMULYA DHONE ADDY: I thank Mr. Daud for his attempt to have a special representation for Labour in this Council, and I think it is his duty to do so as he represents Labour in this Council, but we must take into consideration not only the claims of Labour but the claims as well of other communities of Bengal. What about the depressed classes who are regarded as people of the oppressed classes? Is it not a fact that the number of the depressed classes predominates? How many representatives have they got in this Council? The claims of other communities must also be considered; I mean the landholders of Bengal; they have only 5 representatives in this Council; they pay heavy rates and taxes but they are in a hopeless minority, on the ground of the system of one man, one vote. If a person pays a revenue of a lakh of rupees to Government, he is entitled to one vote only, and is placed on the same footing with a person who pays only Rs. 1-8 per annum as municipal rates. Then what about the Indian trade and

commerce of Bengal? Are they well represented in this Council? I answer in the negative. So far as the European commerce and trade are concerned, they have got 10 representatives in this Council, whereas the Indian trade has got only four. As regards Education, it is most regretable that they have only 2 representatives. Therefore, I beg to submit, that while admitting that Labour representation should be strengthened in this Council, I am opposed to the increase to 8. Therefore, whilst I approve the principle of electoral representation, I strongly object to the increase in the number, and I support the amendment moved by Dr. Pramathanath Banerjea.

Mr. K. C. RAY CHAUDHURI: I accord my whole-hearted support to the principle of Mr. Daud's resolution. As regards the number of electorates and other details, these things must be left to the future for the simple reason that our unions have not made the same progress that we expected as labour organizers. I am sorry to say that Mr. Thomas Johnson, the Labour M. P. for Dundee who was on a visit here a few days ago, expressed his sincere regret that there are very few *bona fide* trade unions in Bengal, and regretted to see no large organization of labour even in that great industry of jute. Probably the Trade Unions Bill pending before the Legislative Assembly with provisions to help in the growth of *bona fide* unions will help Labour a lot. But at the same time I must express my regret that some of the Indian members of the Assembly opposed that Bill which aims at elimination of numerous mushroom unions which sprung into existence, but surely it must be recognized that unless unions conform to the recognized laws of associations, why should they have any representation in Legislatures.

I agree with Dr. Pramathanath Banerjea that the number of electorates must be left for future consideration. There must be investigations of the claims of different labour organisations.

Somebody had a fling at the principle of nomination. It has been said that nomination means subservience; I totally deny that. I can only refer to what happened yesterday when the Labour representative was on conflict with the Government over the resolution about piece-work in Bengal Government Press. Mr. Joshi is a nominated member in the Legislative Assembly; can anybody dare accuse him of subservience to Government.

Mr. PRESIDENT: Order, order. Please confine yourself to the terms of the resolution.

Mr. K. C. RAY CHAUDHURI: I am replying to certain remarks made regarding nomination being subservient to Government.

Mr. PRESIDENT: I think you should try and avoid introducing personalities in a matter like this.

Mr. K. C. RAY CHAUDHURI: I am giving an instance of Mr. Joshi who has opposed Government on many occasions at the Legislative Assembly and he is a nominated member. It depends on the man on the character of the nominee—it does not depend on the principle of nomination at all. That is my point. Why in spite of Mr. Joshi's persistent opposition to Government he was nominated for the second time in the Assembly.

My second point is that all we have discussed to-day about labour representation has been very thoroughly discussed in the Muddiman Minority Report. In this connection I am bound to point out that it took nearly 50 years for English unions to grow; and in the year 1870 (I am not very sure of the year) the Trade Union Congress which sat in London passed a resolution that Labour should take part in politics. Mr. Keir Hardie was one of the foremost leaders of Labour who took up the education of the people on labour politics and later on the Labour Party came into being in the British Parliament. In fact previously the Trade Union leaders were strongly opposed to any participation of their unions in politics. It took nearly 50 years for the Parliamentary Labour Party to grow. Labour organization in this country must go through a process of evolution and not revolution.

Even in the United States of America they have no Labour politics. The late Mr. Gompers, the leader of American labour, often said that he did not want a Labour party because of conflicts between Labour and other parties in the Legislatures. I would like to see more Labour representatives in municipalities and district boards where the conditions of housing and other matters affecting industrial and agricultural labour have to be thrashed out more than in Legislative Councils.

The next question is if we have a Labour electorate, what about the raiyats; these people has no electorate. We have the landholders' electorates. Is not the interest of the raiyat always in conflict with the landholders' interests? Therefore, it is also necessary that we should have both Labour and raiyat electorates. After all raiyats live on agricultural labour.

Mr. M. DAUD: On a point of order, Sir, the raiyats question cannot arise at all out of my resolution.

Mr. PRESIDENT: I think the hon'ble member is quite in order.

Mr. K. C. RAY CHAUDHURI: Then in reply to my friend Babu Hemanta Kumar Sarkar, who said that there should be real manual workers sitting here. I disagree with him. What about Mr. Joshi, is he a manual labourer? What about Mr. Ramsay Macdonald, has he ever done a day's manual labour in his life? What about Mr. Andrews,

the recognized authority on Indian labour in India? The Labour representative should be the brain of the Labour party here to help in labour legislations and to help in organizing Labour unions.

With these words I beg to support the principle of the resolution of Mr. Daud, *viz.*, that there should be labour electorates provided, of course, that *bona fide* organizations are forthcoming at all.

The Hon'ble Sir ABD-UR-RAHIM: We have heard a very interesting debate and we all agree that Labour should be properly represented in this legislature. There are no two opinions about the question at all, though the literature on the subject is fairly large and exhaustive. Mr. Daud has made an interesting speech, and has given us the views of the Labour in as cogent a manner as possible.

Now, supposing that the principle of election is better than that of nomination; defects have been pointed out by some of the representatives of the Labour in this House in labour organizations; for instance, Mr. Ray Chaudhuri and Mr. Haldar I do not know if the latter is the official representative of the Labour party, but I understand he is also connected with certain labour organizations. If we want true representation of Labour, there can be no doubt that the system of election will at present very inadequately answer the purpose. Trade Unions have been suggested as possible constituencies, but as regards that, Mr. Ray Chaudhuri, who ought to know something about Trade Unions, has informed the House that Trade Unions have not yet been properly organized in this country. They have to be organized on a much more satisfactory basis before they can furnish proper constituencies for labour.

The best solution would undoubtedly be according to constitutional theory to lower the franchise so as to include the labouring classes, but there are practical difficulties to be met. You must not only lower the franchise, but you would have to lower it on a large scale to include not only workers in the mills and dockyards and railways, but also the raiyats. As has been pointed out, there is no ground for differentiating between labour in the mills and labour in the fields.

At the same time Government feel that there should be better representation from labour in some form or other. The matter has engaged the attention of the Government of India: and so far as this Government are concerned, we are very much conscious of the difficulties that lie in the way of creating a special electorate for labour. Nomination is certainly not a good substitute for election; but until we have proper constituencies through which labour can send representatives, nomination is the only alternative. Anyhow, the matter is receiving the consideration of the Government of India: and so far as this Government are concerned, we shall be glad to forward the opinions of this Council on this subject to the Government of India.

As regards the number of seats, I must say one word. "Eight" seems to be a large number to earmark. As for the difficulty of housing additional eight members, pointed out by Mr. Browne, I think it might be got over somehow. Perhaps, some of our Swarajist friends will oblige the additional Labour members by vacating their own seats. I have however grave doubts whether Labour will be able to send eight competent men as their representatives to the Council. The amendment of Dr. Banerjea seems to be more reasonable and it should be left to the authorities to work out what would be the appropriate number by which Labour should be represented in this Council.

Mr. M. DAUD: I am really glad to hear from the Hon'ble Member in charge that so far as the first part of my resolution is concerned, Government have no objection to accept the principle of election in place of nomination. I am, however, really very sorry to say that this is rather a pious wish of the Government. It is not known whether the principle will ever be carried into effect till 1929. Therefore, it is merely a pious wish. My friend, Mr. K. C. Ray Chaudhuri, who is also a Labour member in this Council has rightly or wrongly pointed out to this Council that he accepts the principle, but so far as the eight seats are concerned, or rather the allotment of seats is concerned, it would be left to the future. I may say that as he shares the same responsibility with me for the labourers in this Council and as this resolution of mine was tabled in August, 1924, it was his duty to solve the problem as to how these eight seats would be distributed. But he has not taken any care to solve it. Now, with regard to one of my friends—I understand his name is Mr. Browne—who represents the employers: he said that there was a practical difficulty in regard to this resolution in connection with the housing of these Labour members and that a new House was necessary. My answer to him is this, that the housing problem in industrial and commercial concerns is always a difficult problem for the employers of labour to solve. I may tell him that the remark that has been made by him is a very good one and he should remember that his capital will be of no use if labour withdraws from his industrial concerns. It is, therefore, his business for the sake of his own interests to sympathise with the demands of labour. The employers are very fairly represented in this Council, but the employees are not. The employees are represented in this Council by a lawyer like myself and a philanthropist like Mr. Ray Chaudhuri through the back door of nomination. It is my desire to place before the House the real demands of labour. I have worked in this Council for the last two years and have come to the conclusion that labour cannot gain any advantage from this Council until and unless it can send its elected representatives to this Council. I have got nothing to say so far as the wish of the Government is concerned and I rather congratulate the Government Member on his accepting at least the

principle. Now, with regard to Dr. Banerjea's amendment, he has said that he would not support any special representation as these representations are detrimental to the progress of the country.

Dr. PRAMATHANATH BANERJEA: I have said extension of the principle.

Mr. PRESIDENT: Order, order!

Mr. M. DAUD: I accept it. Now my answer to Dr. Banerjea is this, that his principle might be good and would be of some use in a country where there are no divergent elements. Here in this country, there are so many divergent elements that it is not possible here, and there is no other alternative, to safeguard the interests of the minorities; and special constituencies and special representations are absolutely necessary. If you want to see that you are going on in a constitutional line and are going on for the best interests of the country, all these interests must be represented. However, I leave it to the House so far as my resolution is concerned and it is for the House to decide whether they will accept my proposition or not.

The following amendment of Dr. Pramathanath Banerjea to the resolution of Mr. M. Daud was then put and agreed to:—

"The following words at the end be omitted, namely—

'and by allotting at least eight seats to them to be represented through different special labour constituencies.'"

The motion of Mr. M. Daud, was then put in the following amended form and agreed to:—

"This Council recommends to the Government that early steps be taken to move the proper authorities to amend Rule 3 of the Bengal Electoral Rules with a view to remove the present disability of the labouring classes to send their own elected representatives by granting special electoral franchise to them."

Establishment of a Medical School at Barisal.

Rai SATYENDRA NATH ROY CHOUDHURI Bahadur: I move that this Council recommends to the Government that steps be taken for the early establishment of a medical school at Barisal, the headquarters of the district of Bakarganj.

In answer to a question of Babu Satyendra Chandra Mitra, the Hon'ble Member in charge of the Department of Education and Medical was pleased to "recognize the necessity of starting more medical schools in Bengal." This policy is now well-established, and is recognized both by the Government and the people. That the medical education which is partially vocational should be increased as far as possible and more medical schools should be started as early as practicable can no longer be denied. It will not only give medical relief to the interior of the Province to far distant mufassal villages decimated by malaria, kala-azar and cholera but will provide bread to the families of a number of our young men.

The ratio of registered medical practitioners to population in Bengal is about 1 per 10,000 as has been said by the Hon'ble Member but the ratio is still less and dwindles into insignificance in the district of Bakarganj. The total population of the district is 26,23,756 and the number of registered practitioners will be less than 100. The area of the district is 3,490 square miles with 2,990 inhabited villages looked after by less than 100 qualified medical men most of whom live and practise in district or subdivisional headquarters. Thus, there is not one practitioner for every 30 villages. This is the medical relief, this is the medical assistance the people of Bakarganj are daily getting.

A portion of the district remains under a curse for more than 6 months a year, its water becomes saline and unfit for human consumption, cholera and bowel trouble appear and make yearly havoc among the population, malaria and kala-azar are appearing in the district without any real and practical check. The district board dispensaries are only a few, nearly one in every thana, and the doctors fastened to their routine duties can hardly and timely attend to distant calls. Thus, practically there is no medical relief or assistance available in remote mufassal villages.

Sir, I appeal to the House to imagine how poor, uneducated villagers of Bakarganj, old and young men and women dying by thousands without treatment. Will not this vision of suffering humanity stagger our imagination and shall we not cry "shame"!

The total population is 26,23,756 whereas the number of literate men are 3,03,759 and the English-knowing population is 31,805 only and the death-rate is 70,000 a year. From these figures we can at once see that the idea of sanitation among the masses is abnormally low. I admit that neither the Government nor the public bodies can directly raise or improve the idea of sanitation or give direct medical relief to all parts of the district with all their resources. But I can tell this House very emphatically that this can be surely done by sending more qualified medical practitioners to the interior villages for practice and this will necessitate the creation or turning out of such men every year. There are nearly 3,000 inhabited villages in the district. If one doctor

can manage 3 villages there is yet room for 900 qualified practitioners more in this district with 900 compounders attached to them. In this way, Sir, we can solve the bread question of 1,800 families and can give medical assistance to more than 26 lakhs of people.

There are 54 secondary schools in the district with 10,393 scholars reading in them and 1,400 boys in Barisal town schools only and these schools are turning out 800 to 900 Matriculates every year, what these young men will do? Sixty per cent. of them can not or do not enter colleges. Not even 5 per cent. of them can enter offices, the rest are to make their independent living and what profession or vacation are left for them? What will be the future course of life for these unfortunate young men? It is the duty of the State to open for them as far as practicable avenues through which they can make out their independent living.

The Government resolution on the Triennial Report on the workings of the hospitals and dispensaries in Bengal clearly recognizes the demand for more qualified practitioners. It runs thus:—

> In order partially to meet the demand for more qualified practitioners of sub-assistant surgeon class through out the Presidency of Bengal more particularly in mufassal areas the sanctioned strength of students in the Campbell and Dacca Medical Schools was raised by 100 and 50, respectively. A third medical school, viz., the Ronaldshay Medical School with accommodation for 200 students was established at Burdwan and formally opened in July, 1921. In pursuance of a resolution which was accepted by Bengal Legislative Council a committee was appointed in April, 1921, to advise Government as to the steps to be taken for the establishment of more medical schools at various districts headquarter stations where there are large hospital suitable for clinical teaching since then Mymensingh Medical School has been started.

Now are these expansions in any way sufficient for the need of Barisal? The Campbell Medical School will not admit East Bengal boys. The Dacca Medical School can hardly meet the demand of Dacca District only. Not even 5 boys from Barisal can get themselves admitted there yearly. Burdwan School cannot take in East Bengal boys. Burdwan and Hooghly boys will be sufficient for it. Mymensingh School can hardly accommodate all the boys of Mymensingh, Sylhet and Comilla. Where is then any room for Barisal boys? If a medical school be established at Barisal it will not only provide Barisal boys but also boys from Faridpur, Noakhali and Khulna Districts, as in the old days Broja Mohan College and Raj Chandra College of Barisal used to accommodate students of all these districts. Thus, by establishing a medical school at Barisal the students of 4 districts will be benefited.

Now, Sir, I think I have made out a clear and strong case for establishing a medical school at Barisal.

The next question is whether this is feasible, that is the question of costs. The committee we are told has recommended a cheaper type of

school. The cost of construction of Mymensingh Medical School is Rs. 1,45,515 including a tank which required Rs. 14,393. We learn from the speech of Rai Bahadur Shyama Charan Roy, Chairman of the Medical School Foundation Committee, Mymensingh, that Rs. 39,000 was contributed from King Edward Memorial Fund and Rs. 10,000 from the sum of Rs. 50,000 placed at the disposal of Hon'ble Member by Kumar Sanat Kumar Mukherji of Uttarpara. Barisal can expect the same contribution from those funds. The cost of construction of the Barisal Medical School, of the Mymensingh type, will be less than Rs. 1,40,000, as the excavation of a tank at Barisal will cost far less. I can announce before this House that a kind and large hearted gentleman of the Barisal town, Mr. N. Gupta, C.I.E. has kindly promised a magnificent donation of Rs. 78,000 for the purpose, provided the school be named after his deceased father. Barisal people will not object to this naming. If the total expenditure be Rs. 1,40,000 Mr. Gupta's donation or contribution leaves a balance of Rs. 62,000. If further contributions from the King Edward Memorial Fund and Kumar Sanat Kumar Mukherji's Fund can be obtained through the exertion of the Hon'ble Member in charge, as in the case of the Mymensingh School, very little remains for the Government to supplement, even if these contributions do not come up to the same amount or do not come at all. Government ought to grant a capital non-recurring expenditure of about Rs. 30,000 for such a noble, benevolent and useful purpose. So, Sir, I can justly claim the balance from the Government as non-recurring grant.

As to the recurring charge of the school, I find from the Green Book of the budget of the last financial year that Rs. 22,000 was put down for the Mymensingh School for this year. I do not exactly understand whether that sum will be a recurring charge from year to year. If that be the case, the solution is very easy. The Hon'ble Mr. Donald, Finance Member, told me that the recurring annual expenditure of a full-grown medical school will be Rs. 30,000. I put it at Rs. 35,000 at most for a moderate type school. The school fees of 200 students will be at least Rs. 15,000 a year. There are 7 or 8 Bachelors in Medicines and Licenciate in Medicines and Surgery, practising at Barisal besides a retired Civil Surgeon and some qualified Sub-Assistant Surgeons and some of these local talents may be utilized as teachers and lecturers on moderate terms of contract, and I have ascertained that they are willing to work. This will effect a great economy even to the extent of Rs. 5,000 a year. Thus, only a balance of Rs. 15,000 the Government shall have to meet as annual recurring grant. Considering the urgency and great importance of the subject, I fully trust that Government will not refuse it and I fervently appeal to Government for their recurring grant. If Government refuse this recurring grant, I have an alternative proposal or scheme by which I shall show that Government will not spend a farthing more for the education of the district than it does at present.

There are at present 4 Secondary Government Schools in the district, the Barisal Zilla School, the Pirojpur, Bhola, and Jhalakati, Schools. The last three were private schools before, and after the partition of Bengal, for some educational policy of the then Government, they were provincialised and they were made Government schools only a few years ago. The Barisal Zilla School was also for some time placed in the hands of public bodies. In the year 1921-22 Government paid from the provincial revenues for those 4 schools Rs. 50,250, in the next year Rs. 69,117, and in the year following, Rs. 60,379. Thus in the average Government are paying yearly nearly Rs. 60,000. If these four schools are transferred to the management of public bodies, for instance to the municipalities of Barisal, Pirojpur, Bhola and Jhalakati, with fixed adequate Government grant-in-aid, I think the efficiency of those schools will not be affected in any way and the management will be well-run, Government supervision not ceasing. Experience has well established that the teaching and efficiency of some of the private schools of the district are in no way inferior to those 4 schools which have a less expenditure. Sir, I venture to suggest that with a yearly grant-in-aid of Rs. 20,000 for these 4 schools the municipalities of Barisal, Pirojpur, Bhola, and Jhalakati will be able to manage the schools equally efficiently with far less expenditure.

Thus, from an average expenditure of Rs. 60,000 a year for these four Secondary Government Schools we shall have a clear saving of Rs. 40,000 a year from which we can easily pay Rs. 15,000, or even Rs. 20,000, for a more useful institution like the medical school and can also make the much-needed improvement in the Barisal Technical School by opening junior mechanical classes, as suggested by the Department. There is only one Government Secondary School almost in every other district; if we retain the Zilla School in the district headquarters and transfer the other three to local bodies, as suggested above, we shall have a yearly saving of more than Rs. 25,000 which can be diverted as annual recurring grants to the medical and technical schools.

I have thus shown that the recurring expenditure of the medical school can be easily met by simply diverting the educational grants of this district to more useful direction without affecting the efficiency or standard of education in the district.

The next point is that of a well-equipped hospital, Barisal has got a good hospital. But I cannot pretend to say whether it is a well-equipped hospital from the point of view of an expert. It is true that it has not got 100 beds, but only 60 beds at present. It is capable of expansion and improvement. In case a medical school is established, we have got definite promises of our Rs. 1 lakh as donation till now for the expansion and improvement of the hospital. The structural improvement will require about Rs. 30,000, and the rest can be well utilized for its

equipment and up-keep. A strong representative committee, including an executive committee, with the District Magistrate, Mr. Blandy, as President, has been formed and I can assure the House that if a medical school is sanctioned early for Barisal, the committee will have in its hand Rs. 1,50,000 before the close of the financial year for the expansion, improvement and equipment of the hospital, and the minimum standard required by Government will be fulfilled before this House votes for its supplies—I mean the Government's share. I doubt not the establishment of a moderate type of medical school will in time assume a big size satisfactory to all. History tells us, business experience reveals to us, that with many small beginnings wonders have been achieved. The Hon'ble *ex*-Minister, Maulvi Fazl-ul Huq, has himself told us so. I quote his words.

> After we have got this college (Muhammadan Arts College) I propose that we set our hand to work and make it really a nucleus of a bigger institution with a wider outlook. It will give an opportunity to our philanthropic Muhammadans to endow it. Let us remember small beginning out of which the Muhammadan Anglo-Oriental College at Aligarh has grown. It was a small school, a struggling school housed in a hut and out of that it has developed into the biggest institution of its kind in Asia.

When the scheme for Barisal Medical School will be materialized, when the school will be in working order, we shall set our hand to induce the public-spirited and philanthrophic men of the district or owning properties in the district to further endow the hospital.

Sir, if the Government accepts my resolution, my robust optimism visualizes before my mind a full grown medical school at Barisal which in time may be compared with Dacca or Dibrugarh Medical School as once the Barisal Colleges stood by the sire of Calcutta Colleges. Sir, I understand the Government has declared its policy to take up and establish two more Medical Schools next year, *viz.*, in Chittagong and Jalpaiguri. I have no quarrel with those places rather I welcome the policy and support it, but that is no reason why Barisal should not get one in addition. The recurring charge of Rs. 15,000 a year which will reach in the fourth year and a non-recurring grant of Rs. 30,000 for the construction of the school is nothing to the Government, a drop in the ocean, besides I have already clearly shown that the Government by diverting the ordinary educational expenditure of the district without affecting its education can easily establish the Medical School.

I appeal to the House with all my earnestness to consider the resolution seriously and dispassionately on its merits. With these observations I commend my resolution to the House and formally move it.

Babu BORODA PROSAD DEY: I have nothing to say in opposition to my friend Rai Bahadur Satyendra Nath Roy Choudhuri's proposal for having a medical school at Barisal. He has put his case in a very long speech before the House and I hope it will be appreciated, but I certainly object to any portion of the money given by Kumar Sanat

Kumar Mukherji of Uttarpara being given to this prospective school at Barisal. Already a good portion of this money has been given away to other schools and a serious attempt is now being made in the district of Hooghly to establish a medical school there, and if any portion of that grant remains, the whole of it should go to the district of Hooghly and to no other district. That is all my submission to this House.

Mr. P. N. GUHA: As a Barisal man I am in duty bound to support this resolution. The necessity of a medical school has been long felt in my district. There are good many high schools in the district which every year turn out hundreds of boys but there is only one college at Barisal which is not sufficient to accommodate all the students who pass their Matriculation Examination, and it is a well-known fact that a good many students cannot get admission in the Calcutta colleges and so their career comes to an abrupt finish. In this school, if it is established, we hope to accommodate a very large number of boys of Barisal who, after they finish their medical study, will be able to alleviate the sufferings of their fellow-citizens. Sir, I have not the slightest doubt that Government would accept the resolution if something had not stood in their way. His Excellency the Governor has laid down three conditions for the establishment of medical schools and we are prepared to fulfil all these conditions. It is understood that the policy of Government at the present time is to give preference to divisional headquarters first, and so the claims of Chittagong and Jalpaiguri stand in our way. Sir, we could have gladly waited or rather we can wait till the Government can find it convenient to meet our wishes, but we are labouring under a peculiar difficulty. A worthy citizen of Barisal, Mr. N. Gupta, C.I.E., has, to perpetuate the memory of his father, made a donation of Rs. 75,000 and he is anxious that the school should be established without any further delay. My friend Mr. Gupta thinks that he is getting old, and so he is afraid that if he does not see the scheme matured, the money may go in some other direction. We are labouring under this difficulty and if the scheme is delayed, there is every chance of losing this sum of Rs. 75,000. I approach the heads of the Local Self-Government Department and the reasons they have given for not taking up our case almost immediately are certainly convincing. I have no complaint against them, but I would request the Hon'ble Member in charge to find out some ways and means, without being liable for specific performance, to secure the money of Mr. Gupta so that when Government goes to establish this school a year or two later we may not lose the money. I hope the Government will do something in that direction and will at least make a declaration to this effect, and we will be satisfied with that.

Then, Sir, as regards the point raised by Babu Boroda Prosad Dey that no portion of the Jyote Kumar Memorial Fund should be diverted to this school, I can only say that he is unduly restricting the wishes

of the donor himself. The donor handed over the money to the late Sir Surendra Nath Banerjea without any specific condition. He did not make it a condition that this money must not travel by the Sealdah Railway or that this money should be confined to the other side of the Hooghly. That donation was meant for medical education anywhere in the province and the narrowness that is now being sought to be placed on the wishes of the donor, is really a matter of shame. Sir, with these words I support the resolution.

Mr. N. C. SEN: I rise to support the resolution which has been moved by my friend Rai Bahadur Satyendra Nath Roy Choudhuri. I know I need not appeal to the members of this House— official and non-official—over this resolution. I have spoken to members—official and non-official—European and Indian—and I have not found one person who is not in sympathy with this resolution or similar other resolutions which attempt at extending medical education. The only person I have to appeal to is the Maharaja Bahadur of Nadia. I want to convince him that it is his duty—nay, more than a duty—to accept this resolution and do what he can for Barisal in this respect. My district has a great claim to the consideration of the present Government. It is the one district which is called the granary of Bengal: the people there are all agriculturists and people who really raise, not tea nor jute, but the most essential thing of all, namely, rice. I notice there is a wave of enthusiasm and sympathy for the agriculturists both in Europe and here. The present Prime Minister is sending out a Viceroy who is in sympathy with agriculture and agriculturists. We have heard it often repeated by Members of Government, that we the members of the intelligentia forget our duty to the agriculturists who are really the backbone of the country. Here, at any rate, is a resolution from one of the members of the intelligentia, asking Government to do something for the very people for whom Government shows such great concern. We are asking on a matter in which there is no difference of opinion between the Government and the people. Under those circumstances I think the least that the Hon'ble Member in charge can do is to accept most gracefully the resolution that has been moved.

Sir, as you are well aware, this is a district traversed by any number of big rivers: the places which are very near to each other are not accessible and very often it takes days for a man to go from one place to another on account of the large rivers. During the election campaign I experienced great difficulties. There are places from where the Returning Officers could not return for two days to their headquarters. There are no steamers to take people to these places and you have got to go by country boats. When a man is seriously ill, it is impossible to give him medical relief from the town, and even in the town itself there are very few medical men. Under these circumstances

it is extremely necessary that every facility should be afforded to a district where the death-rate is appallingly high and the medical relief is extremely low. The establishment of the school will at any rate alleviate the misery of the people and stop the appalling death-rate. In this district I am happy to be able to say that one gentleman alone, belonging to the district, has made a gift of Rs. 78,000 towards the establishment of a medical school. Within the last few months a sum of over Rs. 1 lakh has been guaranteed by the different zemindars and other people of the town. If Government will give its assurance that they are going to proceed with the scheme, I can give the assurance that the people will also respond, they will make efforts to raise the necessary funds. Here is a district which has made efforts and has now come forward to ask for Government help. I cannot see how under the circumstances the Hon'ble Member can refuse to accede to our prayer. I have been privately told that his reply will be to our satisfaction; but no promise will do. I want a definite assurance that the matter will be taken in hand. I hope he will not turn us away with sweet words.

Dr. MOHINI MOHAN DAS spoke in Bengali in support of the motion.

Babu AKHIL CHANDRA DATTA: I have great pleasure in supporting this motion. The mover has made out a very strong case. While supporting this motion I think it should be failing in my duty if I did not submit a word or two about the Medical School at Chittagong. There is a great necessity for that school; a scheme has been sanctioned and it has been far advanced and a large amount of money has been subscribed by the people and the local bodies. With all this the scheme is hanging fire. Though I am very strongly in favour of the motion now before us, I do hope that Government will give an assurance that nothing will stand in the way of the Chittagong School Scheme.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: I have full sympathy for the pathetic picture of the district of Bakarganj as drawn by my friend Rai Bahadur Satyendra Nath Roy Choudhuri but I think he will agree with me when I say that if figures are worked out on his data it will be seen that the other districts in the province can hardly boast of better record. He has made certain novel suggestions about transferring the amount of educational grants for the medical school. I do not know what to say to this and it is for my Hon'ble Colleague the Education Member to say whether he would agree to such a proposal. I am afraid, however, that such a proposal may be characterised as robbing Peter to pay Paul, and I doubt if this Council will approve of such a policy.

My friend Mr. P. N. Guha wants an assurance from Government so that he can get hold of the Rs. 75,000 which has been very kindly promised by Mr. Nalini Gupta but at the same time he has pointed out the difficulties. He has admitted that by our acceptance we cannot avoid specific performance and I need say no more.

My friend Mr. N. C. Sen who I find has crossed the floor of the House and gone to the other side, does not want pleasant words from me. I am very sorry I cannot oblige him by saying something otherwise. He has mentioned that Barisal is the granary of Bengal. But does he want the sons of the raiyats to be educated in medical schools? But if we were to take the suggestion of Rai Satyendra Nath Roy Choudhuri Bahadur I am sure the preliminary facilities for getting admission to the medical school will not be available.

This Council is probably aware that Government for sometime past have had under consideration the question of multiplying the number of medical schools in Bengal. There is a great demand for medical education and the number of applications for admission to the existing schools considerably exceeds the number of admissions. Moreover, as this House is well aware, the need for medical relief in Bengal is most pressing. Probably most people will agree that a large proportion of the rural population suffers from disease which can be cured or alleviated by modern medical science but the number of doctors available is small compared with the needs of the sufferers. It might be doubted whether medical practitioners, if produced in largely increased numbers from our medical educational institutions, could all make a living in rural areas since those cultivators who have little margin in their yearly budget, are unable to expend much by way of doctors' fees. At present we all deplore the fact that medical men, whether fully qualified or merely possessing diplomas of medical schools, show a tendency to settle in large towns instead of attempting to gain a livelihood in the villages. But we cannot blame them if there is no demand for their services or if village practice is not lucrative. It is, however, hoped that, if the number of medical men is considerably increased, they would gradually be driven by the struggle for existence into rural areas where it is possible they may obtain a sufficient though a modest livelihood, if they prove their capacity and win the confidence of the people.

After considering the *pros and cons* of the position, Government decided that some expansion of the medical educational institutions was desirable and it will be remembered that the late Sir Surendra Nath Banerjea devoted considerable attention to this matter. It then became necessary to consider what districts were most suitable for the allocation of the limited number of schools which Government might hope immediately to establish. Sir Surendra Nath Banerjea after careful consideration, decided that in the first instance it was advisable to aim at establishing new schools in the district headquarters of Chittagong,

Jalpaiguri and Berhampore. He was influenced partly by the fact that no medical school can be successfully maintained in a locality which does not possess the necessary clinical material and secondly by the fact that the remote and comparatively inaccessible districts have more claim to the possession of a school than those areas which are already conveniently served by existing schools. Both Chittagong and Berhampore possess ample clinical material, while Chittagong lies on the fringe of the province and is not easily accessible from other parts of Bengal. Jalpaiguri has claims of its own. It is the centre of the tea industry in Bengal and there is wide scope for the employment of qualified medical men on the numerous tea gardens of that district. In these circumstances, Government decided that they should aim first at establishing medical schools in these three towns in the event of the local people being prepared to contribute towards the capital and recurring charges.

As I have just stated, the presence of adequate clinical material is a *sine qua non* of a medical school and we were advised that a school with 200 students requires a hospital of at least 100 beds. Government then proceeded to lay down two conditions precedent to the establishment of a medical school—

(*1*) that the local hospital should be expanded to 100 beds at the cost of the local people; and

(*2*) that the local people should make a substantial contribution towards the capital cost of the school and that they should provide for the increased recurring charges on account of the enlarged hospital.

In the event of these conditions being fulfilled, Government were prepared in accordance with the programme drawn up by the late Sir Surendra Nath Banerjea, to meet the balance of the capital cost of the school and the heavy recurring charges on account of the school.

Obviously, the cost of the expansion of the local hospital must be a varying sum since it depends on the number of new beds which will require to reach the figure of 100. The cost of a school built on modest lines is likely to amount to about Rs. 1 lakh which, however, makes no provision for quarters for the staff or for students' hostels, although such buildings may be necessary in certain headquarters where accommodation is not easily obtained. The cost of maintaining the school does not vary as it is essential to insist on a high and uniform standard of teaching. Recurring charges on this account are estimated roughly at Rs. 40,000 of which about Rs. 15,000 may be recoverable in the shape of fees when the school has all its seats occupied in each year.

In accordance with the above principles which were accepted by Government after careful examination, offers were made to local committees which would be formed at Chittagong and Jalpaiguri. The

committees were told that in the event of their being prepared within a certain time to provide locally the proportions of the total expenditure referred to by me a moment ago, Government would be prepared to establish medical schools in their districts. In dealing with their recurring surplus, a few months back Government definitely earmarked a certain sum for the Medical Department in order to finance the establishment of two new medical schools in the event of local committees being able to comply with the conditions laid down.

The present position is that in Jalpaiguri, the local committee has almost completed the expansion of its hospital so as to provide the required 100 beds, while funds will be guaranteed to provide for the increased cost of maintenance of the new hospital and to assist in meeting the capital cost of the school. In Chittagong the local committee has every hope of fulfilling the conditions prescribed by Government. I recently discussed the question with a deputation of leading gentlemen from that town. There are still some points to be worked out in more detail, but I have every hope that before long Chittagong will be able to proceed with its scheme.

Promising projects have been prepared in Howrah, Hooghly, Midnapore, Barisal and Berhampore.

I am to see a deputation from Murshidabad District next month. Berhampore has already brought its hospital up to a capacity of 100 beds and it would be possible to utilize some of the buildings which until recently were used as mental hospital, now transferred to Ranchi, for accommodating the school. Some structural alterations would be necessary but the capital cost involved in establishing a medical school at Berhampore would be very small. The district has ample clinical material and seems in every respect well suited for the location of a new school.

As regards the Barisal project the District Magistrate informs us that suscriptions have already been promised amounting to over Rs. 1, 50,000 for the extension of the hospital which at present has only 58 beds.

Mr. Nalini Gupta has promised Rs. 75,000 and the District Board is prepared to contribute another Rs. 50,000. Government understand that the local committee can count roughly on Rs. 1,81,000 towards the capital cost of their scheme, while the expenditure to be incurred in enlarging the hospital and in building the school along with the cost of land acquisition is estimated at Rs. 1,75,000.

Definite proposals for meeting the increased recurring charges on account of the enlarged hospital, which would be a charge on the local committee, have not yet been made, but in this as in many other such cases Government recognise that the local people must always find it difficult to obtain definite offers of local assistance until Government

have stated what terms they are prepared to offer. If Government were to inform the Barisal local committee that in the event of their raising Rs. 1,81,000 towards the capital cost of the scheme and giving sufficient guarantees of their capacity to meet the recurring charges on account of the enlarged hospital—that Government in that case would be prepared to meet the recurring charges on account of the school, it is possible that the local committee might be able to fulfil these conditions.

I regret that at the moment we cannot give any such undertaking having regard to the valuable claims of other towns, particularly Berhampore. Moreover, I would mention that our aim—other considerations being equal—is to provide each division with one medical school in the first instance, and when this has been done, we shall consider the cases of particular districts which can fulfil our conditions. Dacca Division has already got two medical schools (Dacca and Mymensingh), while Chittagong and Rajshahi have none. Barring the Campbell Medical School, which is in Calcutta, there is no other medical school in the Presidency Division and naturally Campbell Medical School meets the requirements of Calcutta alone. I can only promise the Rai Bahadur that the claims of Barisal will be carefully considered and I think he will agree with me that Government's proposal to establish medical schools at Chittagong and Jalpaiguri is a considerable advance to the end which we and the Rai Bahadur have in common. I would finally ask the mover of this resolution not to press it.

As I have already said, we have every sympathy with this proposal and I can promise the mover that I shall do all in my power to see that Mr. Gupta's generous offer is not allowed to go begging.

I can make no definite promises, because a definite promise implies definite financial sanction; and when Government considered the policy of the expansion of medical education in July last, we decided for the moment that we should restrict our immediate endeavour to the opening of two schools. As soon as we have got the Jalpaiguri and Chittagong Schemes definitely settled (all details are not yet arranged), I shall do all in my power to make a further advance by securing additional schools; and in this connection, I may state that personally, I think Berhampore and Barisal have very strong claims to priority.

I hope that in view of the facts I have stated and the assurance I now give, my friend, Rai Bahadur Satyendra Nath Roy Choudhuri, will withdraw this resolution.

Rai SATYENDRA NATH ROY CHOUDHURI Bahadur: In view of the assurance given by the Hon'ble Maharaja Bahadur of Nadia, all that I can say is that the committee will be able to fulfil the conditions that are imposed, to expand the hospital probably in the course of the financial year and to raise the sum required. I therefore press my motion.

The following motion was then put and agreed to:—

"This Council recommends to the Government that steps be taken for the early establishment of a medical school at Barisal, the headquarters of the district of Bakarganj."

The following motion was called but not moved:—

Rai Sahib PANCHANAN BARMA: "This Council recommends to the Government to recommend to the Secretary of State for the rertansfer of the transferred subjects to popular control under the administration of Ministers."

The Bengal Criminal Law Amendment Act, 1925.

Rai HARENDRANATH CHAUDHURI: I beg to move that this Council recommends to the Government that immediate steps be taken to repeal the Bengal Criminal Law Amendment Act, 1925.

India has condemned with one voice the policy and programme of arrests and detentions under the lawless laws. She has not spared herself in protesting against the Ordinance and the Ordinance Act, otherwise called the Bengal Criminal Law Amendment Act, 1925. Her presses and platforms, her representatives and leaders, even her millions, have entered unequivocal and emphatic protests against the autocratic Ordinance and the oppressive measure. Moderates and Extremists, co-operators and non-co-operators have cursed it alike. Nothing, in fact, secured greater unanimity in her otherwise divided counsels, nothing closed up her ranks in a more striking manner than the call of the duty of protesting against "the Viceregal Bomb" as the Ordinance was called or against the "legalized violence" of an irresponsible bureaucracy as the Bengal Criminal Law Amendment Act was said to usher in. All possible reasons have been advanced—all manner of arguments exhausted—but all have proved unavailing against the superior might and "the sharp edge of the British sword." And certainly the certified Act has no other sanction behind it (Hear, hear).

I do not, therefore, think I am in a position to contribute anything new to the volume of arguments and the weight of reasons against the enactment and administration of this lawless law. I propose to be as brief as possible in advancing my arguments against the further retention of this law on the Statute Book.

First, I say that it is a barbarous piece of legislation unknown to any civilized and self-governing country and, therefore, the sooner it disappears from the Statute Book the better. Suspension of *habeas corpus* or proclamation of a state of seige is nowhere tolerated either for long or for an indefinite period—far less, for ever.

Secondly, at best it is an emergency measure—no emergency appears to exist at the present moment. The "weary catalogue of crimes" came long ago to an end. The henchman of the Government in the Anglo-Indian press observed the other day:

> Since the arrests Bengal has been calm and with a few isolated exceptions the revolutionaries have abandoned their active machinations.

I do not know, therefore, what justification can there be for the further retention of this Act on the Statute Book unless peace prevailing can be an argument for the continuation of such a measure.

Thirdly, the Act has become an engine of oppression, not only an authority for detention for unlimited period but for deportation and maltreatment of arrested persons—maltreatment of which the news is leaking out in spite of the utmost efforts of the Government to prevent leakage.

Fourthly, it is a measure to terrorize all people who are not on the good books of an all-powerful police controlled by an irresponsible executive. It is easily intelligible that nobody can feel safe so long as this Act is there on the Statute Book. At any rate, nobody can have the right to be considered innocent unless and until proved guilty by an open trial in a court of law—a right which is the birth-right of all freemen as distinguished from helots.

Fifthly, most of the prisoners under the Act have served long terms of imprisonment without any definite charge or open trial and so the object of punishing them has been achieved they can now be set free by the repeal of this Act or tried under the ordinary criminal law of the land.

Sixthly, if it be an argument that the crimes which the Act meant to control have not still been fully suppressed and are still in the opinion of the Government as prevalent as they were before, then it may reasonably be supposed that those that were originally arrested and detained under the Act are innocent persons not connected with the terrorist organization and conspiracy and it must be admitted that the Bengal Criminal Amendment Act has utterly failed to achieve its purpose and is only fit to be discarded at the earliest possible opportunity.

Lastly, I desire to remind the Council what fell from the Hon'ble Sir Alexander Muddiman in January, 1925. Sir Alexander said in January last in the Legislative Assembly:

> Now you ask me how long do we propose to keep these men in jail, and the answer is, so long as the public interest demands it and not one day longer. We have for the time given this organization a rude shock. We have dislocated its operations. I hope we have gone far to crush it

They had gone far to crush it in January last. Now it is December. Has not the crushing been complete? If not, why not? When, then,

will it be complete? With broad-minded statesmanship and genuine spirit of conciliation it may be to-day, without it probably never.

I have no mind, Sir, to pursue my points further. I have stated them as succinctly as possible and I am quite alive to the shame and humiliation of waxing eloquent on a measure which stands on the Statute Book as the exact measure of our serfdom and the perpetual reminder of our slavery.

Babu JOGINDRA CHANDRA CHAKRAVARTI: If I rise to say a few words in support of the resolution which is before the House, it is in consequence of the fact that, to my mind, there is no question to-day in Bengal which is agitating the public mind so much as the Criminal Law Amendment Act of 1925, which has just been described as the Black Act. If the Act has been described as black, it seems to me that the methods which are being employed for the purpose of administering the Act are blacker still. I say this more in sorrow than in anger. I ask the House to consider the fates of the unfortunate youngmen who are now suffering imprisonment without a trial. If the proceedings in the Bengal Legislative Council be taken to be an index of the public feeling in the country, a glance at the proceedings will show that numerous questions are being put day after day making inquiries regarding the health and other matters of these détenus who are now imprisoned either under the Regulation or the Bengal Ordinance. We have got to-day information from the Hon'ble Sir Hugh Stephenson and it shows that about 150 youngmen are now in prison.

Sir Hugh Stephenson had said that 150 persons were detained, some under the Ordinance and some under the Regulations, but declines to furnish us with any information as to the whereabouts of these prisoners. It is often extremely difficult for the relatives of some of these détenus to have an interview with them just to ascertain the conditions of life in which they have been placed. I am speaking from personal experience of one or two cases in which I know how difficult it has been to obtain accurate informations. There is one thing to which I am inviting the attention of Government and that is the policy underlying the frequent transfer that are made with regard to these détenus. Sometimes they are transferred from one jail to another and sometimes from one jail to some village in a remote corner of the district. In my own district I believe there are two or three persons now detained who have been taken away from jails and placed in a most uncomfortable situation that a man can possibly conceive. Dinajpur is an unhealthy and malarious place and I know there were three persons who have been detained in villages in this district far away from the town without any communication with the town whatever and they have been so far as I know placed under circumstances which made their lives unbearable. It is for the House to judge—it is for the Government to judge as to why these people should be

treated in this way. We can all understand the policy of the Government that if a particular person is considered to be dangerous so far as public safety is concerned in the name of law and order, you can take such measures as may be necessary for the purpose of preventing that man from committing mischief but, Sir, what can be the underlying policy of treating these men in a manner which I might say inhuman. One year has passed away and these men have been detained without trial. They do not know what the charges against them are nor do the public of Bengal know up to this time as to what offence these have committed and still not only are they detained but they are treated in a manner in which, I say with all respect to the persons concerned, a man should not behave towards another man. Ordinary comforts of life are refused to them. So far as I know some of these men have absolutely broken down. They are being made unfit for any work whatever. These are matters which have assumed such a character that it deserves the best consideration of this House. I do not think I need detain the House any longer over a matter of this kind. It has been, as my fried, the mover said, an Act—a barbarous Act, and no time should be lost in repealing it.

Babu HEMANTA KUMAR SARKAR: Sir, I was a jail bird and I know what jail life is. Sir, I would make some startling disclosures to this Council. One of the C. I. D.'s went to one of my co-workers the other day and offered him Rs. 500 to engage him as an informer against me. (Cries of shame, shame.)

Mr. PRESIDENT: Order, order! I don't think you are referring to the motion that is before the House. Please confine your remarks to the terms of the resolution.

Babu HEMANTA KUMAR SARKAR: I was drawing the attention of the House as to how this Ordinance is worked against citizens. The other day when I got a letter from Moscow, I handed it over to Sir Hugh Stephenson so that it might not be produced before him as an evidence that I was in touch with the Bolsheviks. These are the evidences that go against us and I am sure that there are agent provocateurs at Moscow and other places who approaches people to allure them to entrap——

Mr. PRESIDENT: I am afraid, you are again straying away from the point.

Mr. J. M. SEN GUPTA: On a point of order, Sir. Is not the hon'ble member entitled to mention by way of evidence that the Government is not justified in detaining these people under the Criminal Law Amendment Act?

Mr. PRESIDENT: But he is not taking the easiest way to do that. What he is saying can be said of any measure. It is a broad question. I would like the speaker to confine himself to the terms of the motion. If he is going to criticize any procedure under this Act, I shall certainly allow him to proceed; if not, I will rule him out of order.

Babu HEMANTA KUMAR SARKAR: To-day when I was coming to the Council I met one of the prisoners who had just come out of the Alipore Jail.

Mr. PRESIDENT: Was he interned under this Act?

Babu HEMANTA KUMAR SARKAR: Yes, he was suffering from ulcer, he was not cured; but was taken out and asked to go to Haroa, perhaps a place in the distant Sunderbans where he will have to report himself to the Police in a day or two. If it is the way in which these prisoners were treated, it is high time that this lawless law should be repealed. I am not going to accuse the high officials of Government that they are instigating this sort of affairs, but those who are beneath them—they are the people doing this so that they may justify the existence of the C. I. D., the I. B., the S. B. and a lot of other B's. (Laughter).

Mr. J. M. SEN GUPTA: I shall not detain the House to-night very long, but I think it is necessary to repeat once more that this law is unnecessary. The Government has been told over and over again that they should try to remove the root-cause of any violent movement that there might be in this country. They have never attempted to remove it. The root-cause is the desire for freedom in Indians. The Government never attempts to tackle that. What they are trying to do by the Ordinance and Regulation III is simply to stop that desire for freedom by force. They are following the footsteps of the Czars of Russia and the British Government in Ireland; and I can tell the Government this that if you follow the example of the Czars in Russia and the British Government in Ireland, and in other places where freedom movements have been started, and autocratic governments have always tried to crush them I tell the Government that the same fate will overtake the Government of this country. But I will not enlarge that argument any more, I will only confine myself this evening to the administration of the Act itself. Only two days ago I was trying to show in this very House how the Act was being administered.

In January, 1925, from the Berhampore Jail a member of this House, Mr. Satyendra Chandra Mitra was transferred to Mandalay, along with Mr. Subas Chandra Bose, the Chief Executive Officer of the Calcutta Corporation. There were several other persons, all detained under

the Ordinance. All these persons were brought down to Calcutta and where do you think were they kept? They were put up for one night in the Lalbazar lock-up. What was the condition of that lock-up? The floor had not been swept for several days. The walls had not been whitewashed for several years. There was no arrangement for them to sleep. There were no cots. While the Sub-Inspector and the Inspector were sleeping in their comfortable beds these gentlemen were allowed to be there to look for themselves how best they could get a night's rest. Is that the way the Act was supposed to be administered? In this connection I referred to section 21 of the Criminal Law Amendment Act a few days ago. Is that according to the station in life that these persons were treated that they were left to sleep or rather attempt to sleep on the dirty floor? It has been said that these people are properly kept , properly fed and that they are treated as political prisoners. I request the members opposite to ask Sir Hugh Stephenson whether it is justified in any country whatsoever to lock-up political prisoners in a police cell for a whole night where ordinary drunkards and wayfarers from the streets are taken and put for a short time at night. Could no arrangement be made for them? Could they not be kept somewhere else from where they could have been taken straight to the steamer ghat? They could have been taken straight away to the ghat that very night and there kept under comfortable condition. Even if they were taken to the Lalbazar lock-up, they could have been placed in a room with some officer and beds provided for them. I want an answer from Sir Hugh Stephenson whether this action is justified under the law which he attempts to administer.

What is the reason for sending away so many of our countrymen detained under this Act to Mandalay? Why Mandalay of all places? Are there no places in Bengal? Mandalay is well-known as a place of dust, heat and humidity and without a cold weather. One year in Calcutta requires a rest for most of the members of the Indian Civil Service working here. They go up to the hills. But these men are kept in a place where there is no cold weather and in a place where there is not a single Bengali officer whatsoever. I ask what is the reason for this unless the reason is that they would contract diseases?

I shall now give a list of persons who are suffering from diseases and all kinds of hardships at Mandalay. Let us take the case of Mr. Subas Chandra Bose. It does not require a doctor to tell us that if a man loses 19 pounds in weight in about 8 or 9 months his health has gone down. No scientific man is required to tell us that when a man loses 19 pounds of his weight "he is thriving well". We know we have letters from Mr. Bose that he is suffering from insomnia. For several months from now he cannot get sufficient sleep. What is the reason for all this? Reasons are simple. The reasons are that the place is so unhealthy that it does not suit the

Bengalis. That is the place where they must be sent to, and although they have sent petitions for removal to healthier quarters over and over again, they cannot be removed from there. Mr. Justice J. R. Das, a Judge of the Burma High Court, while he was not a Judge and was a non-official visitor of jails, while on a visit there saw the condition of the prisoners and recommended that instead of allowing Rs. 2 per day per head for their food they should be allowed Rs. 4 per day per head. That recommendation, I understand, was supported by the Superintendent of the Jail, Captain Smith. Of course, when we asked Sir Hugh Stephenson by a question in this Council whether the Superintendent supported that recommendation or not, he would not vouchsafe any information. But that recommendation, supported as it was by the Superintendent of the Jail, was turned down by the Bengal Government. (Shame, shame.) Before Captain Smith went there, I understand that there was another Superintendent who behaved so insultingly to Mr. Subas Chandra Bose that there was a hunger-strike among the political prisoners there.

Let us take the case of Babu Satyendra Chandra Mitra, a member of this Council. While he was in Calcutta, at the Alipore Central Jail, he was suffering from diabetes and dyspepsia and some eye troubles. He had been used to *kaviraji* treatment when he was not inside the jail. But when he went there he was allowed to have his *kaviraj* coming and treating him. *Kaviraji* medicine was allowed to him and the result was that he was improving in health. But what reason was there for the Government, when we find that Mr. Mitra was having a particular system of treatment and was improving, that he should be removed to Mandalay where no *kaviraj* could be found? He was a diabetic patient and what reason was there to remove him to Mandalay?

Then there was Babu Satis Chandra Chakravarti. He has been suffering from phyleria. It is a great shame that he was kept in a cell—at Moulmein and Thayetmyo where he had been before he was transferred at Mandalay meant for condemned prisoners. Some of us know what these cells are like, because we have been inside the jail; hardly a man passes through from day to day; and in such a cell this man, Satis Chandra Chakravarti, was kept. What is the reason for that, I should like to know.

Then Babu Surendra Nath Ghosh is also at Mandalay. He is suffering from dysentery and slow fever.

Jiban Lal Chatterji, another internee at Mandalay, is also suffering from slow fever. It was until some months ago I believe that Earl Winterton from his place in the House of Commons said that political prisoners in India were being kept in conditions of health and comfort. All these prisoners that I have named are in Mandalay. Who gave him these instructions? What about the list that Sir Hugh Stephenson only the other day placed before us, giving us a list of diseases that the

political prisoners were suffering from? Fine, comfortable conditions! that so many of the prisoners are suffering from various diseases, including tuberculosis.

I do submit that there is no justification for Government to keep these prisoners in Mandalay and other remote places under conditions that lead to these diseases. There is no justification for Government to keep a member of this House and the Chief Executive Officer in the Lalbazar lock-up to sleep for one night on a dusty floor. There is no justification for the transfer of Babu Satyendra Chandra Mitra from Calcutta to Mandalay when he was getting *kaviraji* treatment in Calcutta and which he cannot get in Mandalay. It is useless crying in the wilderness against the bureaucratic administration of this country, but I do say—you may not hear us to-day—to the members opposite who may again follow the Government into the same lobby—I warn them, I tell them—you will not be able to stem the tide—you will not be able to stop us from gaining our freedom by this method.

Mr. PRESIDENT: Do not include me, Mr. Sen Gupta, I am not concerned in this. (Laughter.)

Mr. J. M. SEN GUPTA: You are the only person whom I can address. You will not be able by this method to check our struggle for freedom, you will not be able by this method to stop the onward march to our destined goal: all that you will be able to do is this—that you will drive the country to follow the footsteps of Russia and Ireland.

Dr. PRAMATHANATH BANERJEA: I support this resolution and do so on a question of policy. It is not my case that the persons detained under the provisions of the Criminal Law Amendment Act are innocent. I do not know whether they are guilty or not, but so long as they are not found guilty by a court of law, the public is entitled to assume that they are innocent. That, however, is another matter. My case for the present is that the retention of the Act on the Statute Book is inexpedient. Sir, for how long, I ask, can a people be governed by special laws and ordinances. History tells us that repression never succeeds for any length of time: it does not remove discontent, but merely deepens it. Conciliation, on the other hand, is a sovereign remedy for all political illness. I would, therefore, urge on Government to abandon this policy and try a policy of conciliation.

Babu MANMATHA NATH ROY: Sir, I support this resolution, although it appears to me to be a cry in the wilderness, and I can prophesy with absolute certainty that no matter whether this resolution is carried or not, the Government will take no action upon it. But at the same time I think it to be the duty of this House to give expression to our sense of disgust and indignation at the attitude of the bureaucracy in retaining this autocratic and barbarous law. As to the merits

of this resolution little need be said, for the universal public verdict is there and is known to all and I would only ask the Hon'ble Sir Hugh Stephenson to take this Council into confidence and to tell us why law and order are maintained differently in this country than in his, why it is necessary to have a special law in this country, although it is not needed in his. I would also ask Sir Hugh Stephenson to say whether the Government in his country deals with a legitimate desire for freedom in the same way in which the Government deals with it here. I cannot realize how the necessity for this difference arises, and I would expect Sir Hugh Stephenson to tell us why it is necessary to draw this difference.

Babu AMULYA DHONE ADDY: As a representative of the Bengal National Chamber of Commerce I beg to submit that I cannot but support this resolution. At a special meeting of the Bengal National Chamber of Commerce, they held that the Bengal Criminal Law Amendment Bill should not have been enacted into law, and as a representative of theirs I am bound to submit their views to you.

The Hon'ble Sir HUGH STEPHENSON: This resolution asks the Council to recommend to the Government that immediate steps be taken to repeal the Bengal Criminal Law Amendment Act, 1925. The mover has brought forward a large number of reasons, exactly how many I did not count (A VOICE: six) but practically there was nothing in the whole of his speech except a claim that individual prisoners who have been in jail for a considerable period and have thereby been adequately punished, should be released. The rest was nothing but what we have heard when the Act was brought before the House for consideration. One of the reasons mentioned by Rai Harendranath Chaudhuri was the bad treatment of the detained persons but he gave us no details so that we could inquire into them. Babu Jogindra Chandra Chakravarti objects to the Act largely because we do not keep people in jail but domicile them in villages and he says that they have a very uncomfortable time in villages and they do not like it. (A VOICE: Malarious villages.) The villages are certainly not selected because they are malarious. I should be very glad if the members of this Council will give me a list of villages for the whole of Bengal which are not malarious. I know that some of the détenus share Babu Jogindra Chandra Chakravarti's feelings on the subject. I know that there are some who, in spite of the tortures and harassment that we are reputed to inflict upon the détenus in jail, prefer to be in jail rather than in a Bengal village, but, Sir, we have always regarded domicile in a village as being a lesser form of restraint than confinement in a jail.

The other speakers have brought forward no particular reasons for the repeal of the Act except Mr. Sen Gupta. Mr. Sen Gupta warns Government that it must desist from attempting to stop the desires for freedom by force. Government have no intention whatever of stopping

the desire for freedom by force (Question!) but what Government do intend to stop is the mistaken method of trying to attain that freedom by terrorism. Then, Sir, Mr. Sen Gupta in the rest of his speech details a list of grievances from which our political prisoners in Burma are said to be suffering. The first point he raises is why we have sent them to Burma. I do not know whether Mr. Sen Gupta is serious in his charge, possibly against myself but anyhow against Government, of being accessory to murder. I prefer to think that he does not deliberately make the charge that Government have sent these people to Burma with the deliberate intention that they may contract diseases and die. I, therefore, take his accusation as being of a milder character.

Mr. J. M. SEN GUPTA: On a point of personal explanation. The question of intention we will not discuss. We put our case upon facts.

The Hon'ble Sir HUGH STEPHENSON: I have here a note of what Mr. Sen Gupta said: "What is the reason for sending away political prisoners to Mandalay? The reason is that they will contract diseases there and be incapable of doing any further harm?" I understood Mr. Sen Gupta withdraws that. I should like to say the reason why these prisoners have been transferred to jails outside the province is this: it is not a new policy. It was done in 1916-17-18 and the reason is that when you have a considerable number of political prisoners in jail, even if your jails were in complete isolation, it would be undesirable from our own point of view and from their point of view also to keep them together. The object of restraining the political prisoners is to prevent their doing harm to the State and also in the hope that they may see what we consider to be the error of their methods. There is no possible chance of the political prisoners altering their views if they are kept together in one place. The jails in Bengal are not altogether suitable for the reception of political prisoners and there are a considerable number of jails where we cannot suitably keep political prisoners.

But there is a further point and that is that our jails are not in complete isolation. We have proof of communication between the prisoners inside the jail and their revolutionary terrorist comrades outside the jail and in many cases the terrorist conspiracy has been continued by the prisoners in the jail in communication with their comrades outside. Therefore, the object of sending political prisoners outside the province is to obtain more complete isolation. We asked the other provinces if they were willing to take a certain number of our political prisoners; certain provinces agreed and we then despatched with the sanction of the Government of India—as their sanction is necessary in case of prisoners under the Ordinance and the Regulation—certain of our prisoners to other provinces. Once they are in other provinces we have no jurisdiction over them; we have no power to say to what jail they are to be sent; that rests with the local Government concerned.

We have also no power over their allowances and Mr. Sen Gupta is wrong in saying that the Bengal Government refused to raise their allowances; the Bengal Government I repeat have nothing whatever to do with them but I understand that the Burma Government have raised the allowances.

In all these cases there are special jail visitors for political prisoners and I think the records of this Council will show that whenever any information has been asked for by the Council with regard to political prisoners outside Bengal we have done our best to supply it.

To sum up there are only two grounds on which the repeal of the Act can be asked for; the first is that it was unnecessary to start with, and the second is that it has done its work, circumstances have changed and it is no longer necessary. On the first point I addressed the Council when trying to introduce the Bill. I have nothing to add to my speech on that occasion. I said that there was a general agreement as to the existence of a conspiracy, the only difference was as to the means of dealing with it. I gave the reasons why Government consider that the way we adopted was the only method of dealing with it. Nothing has happened since to alter those views; on the contrary everything that has happened since, every fresh information that we have received, confirms that opinion and I stand by every word of my speech then.

As regards the second possible reason for repealing the Act Government have never been under the delusion that the mere passing of the Act would wipe out of existence the terrorist conspiracy; it gave us the power to fight that conspiracy. I maintain that we have used that power moderately. Since the Act came into force there have been 15 arrests under the Bengal Criminal Law Amendment Act.

Mr. J. M. SEN GUPTA: How many murders? How many crimes have been committed since the Act came into force?

Mr. PRESIDENT: Committed by whom?

Mr. J. M. SEN GUPTA: By the political prisoners outside or inside.

The Hon'ble Sir HUGH STEPHENSON: I am afraid I thought Mr. Sen Gupta to mean murders by Government! (Laughter). But, Sir, the conspiracy still exists (Hear, hear), but its power of doing evil (A VOICE: Where) has been considerably curtailed——.

Mr. J. M. SEN GUPTA: Is the Hon'ble Member speaking from personal knowledge?

Mr. PRESIDENT: I think he should be allowed to be heard without these interruptions.

The Hon'ble Sir HUGH STEPHENSON: And its methods have to some extent been changed because of the existence of this Act. But

even now as then there still exists a party intent upon open violence. If the Act were to be repealed there is every reason to believe that the main conspiracy will swing back to unadulterated terrorism and violence as it did before. Therefore Government cannot accept the resolution.

Rai HARENDRANATH CHAUDHURI: The Hon'ble Sir Hugh Stephenson has absolutely avoided answering the points raised in my speech. Perhaps he did not listen to my speech, or he did not take the trouble of taking any notes: or he probably sealed his ears with wax having made up his mind before. He says there is practically nothing in my speech: but he has done otherwise—he has referred to some of the points I mentioned in my speech, in his reply and made a futile attempt to answer them. He sums up in his way and says that only two arguments have been advanced against the retention of this Act. One is that the Act is unnecessary; and in reply he says that he made out a case when the Act was introduced in Council and that he has nothing to add to what he then said. He clean forgets that it is a special measure—an emergency law, which the Government have armed themselves with. So every time we ask for the repeal of this special measure, Government have got to make out their case, have got to justify the use of these extraordinary powers; and unless the Government are prepared to do so, we can fairly assume that the Govenment have got no case for the retention of this Act on the Statute Book. Such an Act can be retained on the Statute Book not certainly so long as it suits the pleasure of an irresponsible bureaucracy.

Then he attempts to answer another point, namely, that the Act has done its work and therefore it should go: and he answers that point by saying that the Act has *not* done its work. Probably he did not hear my speech. I referred to a statement made by the Hon'ble Sir Alexander Muddiman in the Legislative Assembly in January last. He said: "we have almost crushed this conspiracy" and I raised the point that if in January the terrorist conspiracy was almost crushed, why can we not presume that it has now been altogether crushed, and that the Act has served its purpose and should no longer be on the Statute Book. If Sir Hugh Stephenson says that the Act has failed to achieve its object up till now then he must also admit that there is no justification for retaining it any longer on the Statute Book.

Then he says that fresh information have confirmed their position with regard to this Act; but he could not give a single example of a terrorist conspiracy or violence after the Act was enforced. He gave before a catalogue of crimes which preceded this enactment; but he has not been able to add to that catalogue at all. Then, he says, in reply to my charge of the maladministration of the Act, that I have simply brought that charge but have not substantiated my points by giving details. Well, the details have already been given by the other

speakers, Mr. Sen Gupta and others. The Hon'ble Sir Hugh Stephenson did not take the trouble of meeting the specific points raised by the other speakers in connection with the charge of maladministration of the Act. He says that they have used the powers conferred on them by the Act with great moderation; but here is a case of the lion painting himself. When even the members of the Council are not allowed to visit the internees—not to speak of other non-officials—it is a simply one-sided version and that version must be rejected in view of the definite allegations of maltreatment that are being made against the Government in this connection.

Then, he says that only 15 arrests have been made after the Act came into force. If so, and the terrorist conspiracy still prevails, then it must be supposed that all such persons, as were arrested before the Ordinance Act came into force, have no connection with the terrorist conspiracy and are therefore innocent.

Then, as regards the deportation of these internees to Burma (Mandalay Jail), he says that no suitable jails for the internment of such prisoners are available in Bengal. I suppose that the most human treatment could have been accorded to them by deporting them to the Andamans. That would surely have been a more straightforward course.

Then, the Hon'ble Sir Hugh Stephenson says that if the internees in the Mandalay Jail are suffering any discomforts, the Bengal Government have nothing to do with that, because they have no control over the internees in Burma. And it is probably just to relieve themselves of the responsibility of looking after their comfort, that the Bengal Government sent the internees overseas to Burma, without making sure whether they will be well-cared for in the Burma Jail. This is no doubt a fine commentary on their sense of responsibility? I think I need not detain the House longer in answering the speech of the Hon'ble Sir Hugh Stephenson, which, as I said before, practically contains nothing substantial and in which he has not been able at all to make out a case for the retention of this Act on the Statute Book. The onus is on him to prove that further retention of this Act is necessary and he has not been able to discharge that onus at all.

The Hon'ble Sir HUGH STEPHENSON: I only wish to say that if Rai Harendranath Chaudhuri had done me the honour of reading my speech of January last, he would have found that most of the information he asked me to-day are there. The Act was passed by certification for a period of five years. The mover complains that I have not made a case for retention, but I think the onus is the other way round and rests on Rai Harendranath Chaudhuri. The mover has asked me for a list of fresh cases but I decline to accept his invitation to discuss matters which are *sub judice*.

The following motion was then put:—

"This Council recommends to the Government that immediate steps be taken to repeal the Bengal Criminal Law Amendment Act, 1925."

A division was taken with the following result:—

AYES.

Addy, Babu Amulya Dhone.
Ahamad, Maulvi Asimuddin.
Ahmed, Maulvi Najmuddin.
Ahmed, Maulvi Tayebuddin.
Ahmed, Maulvi Zannoor.
Bagchi, Babu Romes Chandra.
Baksh, Maulvi Kader.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Satya Kishore.
Bose, Babu Bejoy Krishna.
Chakravarti, Babu Jogindra Chandra.
Chakraverty, Babu Sudarsan.
Chatterjee, Babu Umes Chandra.
Chaudhuri, Maulvi Saiyed Abdur Reb.
Chaudhuri, Rai Harendranath.
Chaudhury, Maulvi Md. Nurul Huq.
Chunder, Mr. Nirmal Chandra.
Das, Dr. Mohini Mohan.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Dey, Babu Bereda Prasad.
Gafur, Maulvi Abdul.
Ganguly, Babu Khagendra Nath.
Haidar, Mr. S. N.
Hoque, Maulvi Sayedul.
Hossain, Maulvi Wahed.
Huq, Mr. Mahbubul.
Jeardar, Maulvi Aftab Hossain.
Khan, Babu Debendra Lal.
Khan, Maulvi Abdur Rasohid.
Khan, Maulvi Amanat.
Khan, Maulvi Mahi Uddin.
Lal Mahammed, Haji.
Mahammad, Maulvi Basar.
Maity, Babu Mahendra Nath.
Mitra, Babu Jogendra Nath.
Nandy, Maharaj Kumar Sris Chandra.
Nasker, Babu Hem Chandra.
Nsogi, Babu Manmohon.
Quader, Maulvi Abdul.
Rahman, Mr. A. F.
Raikat, Mr. Prasanna Deb.
Ray, Babu Abanish Chandra.
Ray, Babu Surendra Nath.
Ray, Babu Manmatha Nath.
Roy, Babu Satoswripati.
Roy, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy Choudhuri, Rai Bahadur Satyendra Nath.
Sarkar, Babu Hemanta Kumar.
Sarker, Babu Nalinirnjan.
Sen Gupta, Mr. J. M.
Suhrawardy, Dr. A.
Yasin, Maulvi Muhammad.

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Abbott, Mr. E. C.
Addams-Williams, Mr. C.
Birley, Mr. L.
Browne, Mr. P. H
Chartres, Mr. C. B.
Chaudhuri, Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Cohen, Mr. D. J.
De, Mr. K. C.
Dey, Mr. C. C.
Donald, the Hon'ble Mr. J.
Dutt, Mr. C. S.
Forrester, Mr. J. Campbell.
Goode, Mr. S. W.
Guha, Mr. P. N.
Heard, Major-General Richard.
Hopkyns, Mr. W. S.
Hossain, Khan Bahadur Maulvi Musharruf.
Huq, Maulvi Ekramul.
James, Mr. F. E.
Jannaway, Mr. J. H.
Khaitan, Babu Debi Prasad.
Liddell, Mr. H. C.
Lindsay, Mr. J. H.
Merene, Dr. H. W. B.
Morgan, Mr. C.
Nazimuddin, Khaja.
Oaten, Mr. E. F.
Rahim, the Hon'ble Sir Abd-ur-.
Roy, the Hon'ble Maharaja Bahadur Kshaunish Chandra.
Ray Chaudhuri, Mr. K. C.
Roy, Mr. S. N.
Roy, Raja Manitoli Singh.
Snaith, Mr. J. F.
Stephenson, the Hon'ble Sir Hugh.
Woodhead, Mr. J. A.

The Ayes being 55 and the Noes 35, the motion was carried.

Adjournment.

The Council was then adjourned *sine die*.

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